SENATE—*Monday, October 25, 1993*

(Legislative day of Wednesday, October 13, 1993)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., ordered the following prayer:

Let us pray:

And it shall be, if thou do at all forget the Lord thy God, and walk after other gods, and serve them, and worship them, I testify against you this day that ye shall surely perish. As the nations which the Lord destroyeth before your face, so shall ye perish; because he would not be obedient unto the voice of the Lord your God.—Deuteronomy 8:19,20.

Eternal God, these words from the Torah are universal and timeless. Our forefathers were not saints; they were sinners as we are. But they reverenced God. They took Him seriously. They depended on Him and, out of that faith and dependence, came a great nation.

You have warned, Mighty God, that if a nation forgets You, it will perish because reverence for God is the root of all virtue, without which everything is relative, and freedom is reduced to doing as one pleases.

In the (1774) words of John Hancock, President of the Provincial Congress in Massachusetts: "We think it is incumbent upon this people to humble themselves before God on account of their sins, for He hath been pleased in His righteous judgment to suffer a great calamity to befall us, as the present controversy between Great Britain and the Colonies. (And) also to implore the Divine Blessing upon us, that by the assistance of His grace, we may be enabled to reform whatever is amiss among us."

In the name of the Lord of Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 25, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 3167, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

The Senate proceeded to consider the bill.

Mr. KERREY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to be allowed to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska [Mr. KERREY] is recognized.

EPA DRINKING WATER RULE

Mr. KERREY. Mr. President, I ask unanimous consent to print in the RECORD an article that appeared in a publication called Inside EPA, September 17, 1993.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EPA STAFF CALL SENATE BLOCK ON DRINKING WATER RULE BAD PRECEDENT

EPA staff are charging that a move by Congress to prevent the agency from writing a controversial drinking water rule sets a bad precedent for congressional interference in environmental policy-making.

At issue is a decision by the Senate Appropriations Committee to prohibit EPA from spending any funds to promulgate or enforce a standard on radon in drinking water. Sen. Robert Kerrey (D-NE) offered the amendment during the committee's Sept. 8 markup of the agency's fiscal year 1994 budget and the full Senate is expected to take up the matter next week. Congressional sources say the amendment was added with the concurrence of the Environment & Public Works Committee.

Under the amendment, the agency will be unable to promulgate a standard before October 1994, although a court-ordered deadline had been set for Oct. 1, 1993. The amendment states that the committee's action was taken in response to concerns about the costs of implementing the standard. The agency's original proposed standard of 300 picocuries per liter has been criticized as too strict by water systems, as well as EPA regional offices (Inside EPA, Aug. 6, p1) and the agency's Science Advisory Board has criticized the uncertainties in the cost and risk analyses (Inside EPA, July 30, p16).

EPA is not taking a position on the amendment, according to an agency source, who says "We do not support it, but we do not oppose it either." But agency staff contend that the move establishes a precedent for congressional involvement in policy-making by the agency. These sources are particularly concerned that the Appropriations Committee became involved in this matter, which is a legislative matter usually preserved for authorizing committees to oversee.

Agency sources note that Congress originally asked EPA to develop a standard for radon in drinking water. "Congress giveth and Congress taketh away. They tell us to do something, then they tell us not to," one EPA source says. This source charges that Congress is "superimposing its judgement" on how the agency is supposed to develop standards to protect public health. The decision will set a precedent for future congressional actions on agency regulations, this source says. The decision also places EPA in a "difficult position," according to this source, because the agency does not want to jeopardize reauthorization of the Safe Drinking Water Act by making noise about the radon standard. EPA has received a message from some in Congress that "if we want to see reauthorization, we ought to cool it on radon," this source says.

Agency staff say they believe the amendment was added because Congress is unwilling to back the agency in promulgating a strict standard that water systems have lobbied heavily against. "This is not a new chapter in profiles in courage," one agency source says, adding that the committee's decision was "politically expedient." This source says intense lobbying by opponents of the standard is causing Congress to back down and adds that EPA would rather see Congress deal with the scientific questions instead of simply forbidding the agency from releasing a final standard.

Congressional sources expressed some surprise at the committee's decision, saying that the appropriations committee usually avoids legislative issues. One source suggests the move "reflects a sense that the agency has gone too far in this particular regulation. Perhaps it's indicative more of the agency's performance then a failing on the part of Congress." But this source adds that "I'm not particularly comfortable that [the committee] would take a position on a legislative issue," Dealing with individual issues

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

rather than approaching drinking water in a comprehensive manner is "not a prudent course to take," according to this source.

Water system sources praise the committee's action, saying the decision allows the agency to reevaluate the radon issue and avoid a "piecemeal" approach to developing radon mitigation standards. These sources say the agency should spend the next year developing a comprehensive approach that deals with all methods of exposure to radon, including indoor air and drinking water. One source says "it will do no good" to mitigate radon in drinking water without at the same time addressing other radon sources.

Mr. KERREY. Mr. President, this article references an amendment that was approved earlier by the Appropriations Committee, an amendment that I offered, and the language in this article illustrates in many ways why many people in Nebraska feel their Government is out of touch with their needs. It illustrates, further, why unchecked and unneeded regulation is suffocating businesses, taxpayers, and local governments across the country.

This article deals, as I said, with a reaction of EPA, in this case more specifically some EPA staffers, to an amendment I offered to the VA-HUD appropriations bill which delayed the implementation of a strict, expensive standard for radon in drinking water which scientists say may be unnecessary. The Senate recently passed the bill and the amendment and thereby saved water ratepayers across the country billions of dollars that would have gone to pay for a regulation they do not need.

I understand there are people who disagree with the amendment, and I welcome their criticism. We had a very active debate on the committee itself, and I know that some of the critics work with the Environmental Protection Agency, and I welcome their criticism and comments as well. I, in fact, sought out suggestions and criticisms from the EPA before I offered the amendment.

But, Mr. President, there are some rather extraordinary statements in this article which should concern this body. In the article, unnamed EPA staffers question the authority of Congress to make environmental policy. There is no question that the clear majority of staffers at the EPA are interested in working with Congress to find an appropriate radon standard, and I am sure that the views in this article do not reflect either the views of the agency or of the Clinton administration.

The article says that:

"Agency staff contend that the move establishes a precedent for congressional involvement in policymaking by the agency.

One source was quoted as accusing Congress of "superimposing its judgment" on public health standards.

Mr. President, I do not want to digress into a basic civics lesson for this source, but this is what Congress is supposed to do. My reading of the Constitution tells me that the EPA is supposed to execute the decisions made by Congress, not the other way around.

So this source is certainly correct to say that Congress is "superimposing its judgment," and I hope that we will continue to superimpose our judgment on anyone when doing so is necessary to protect the public interest.

Mr. President, the regulation that would have been imposed had we not passed this amendment would have required public water suppliers to maintain a radon level of no more than 300 picoCuries per liter of water.

The EPA proposed this regulation with the best of intentions. Their action was in fact prompted by a congressional mandate calling for goals to limit water contaminants. But the fact is that scientists agree that establishing—and paying for—300 piC/l standard is not an efficient use of our scarce public health resources.

The Government says complying with the 300 piC/l level would cost water suppliers—and their rate-paying customers—$2 billion. Private estimates say it would cost 10 times that much.

No one doubts the health risks associated with radon. And I will be the first to support any standard for drinking water needed to protect public health.

But scientists agree that only 5 percent—5 percent—of the public's exposure to radon comes from drinking water. The remaining 95 percent comes from the air. Because removing radon from drinking water is so expensive, it would cost the same amount to remove the radon in air—95 percent of the problem—as it would to handle the 5 percent of the problem represented by drinking water, but the public health benefits would be 30 times greater.

So, Mr. President, this regulation would have forced small towns to spend billions of dollars to deal with 5 percent of the problem with little or no payoff when they can spend the same amount to solve 90 percent of the problem with 30 times the benefit.

This is hardly rational policymaking, and if ever a Federal regulation called for superimposition of Congress' judgment over that of the regulators, this is it.

There is no need to debate today whether this regulation was needed. What I came to the floor to discuss is the fact that the comments in the "Inside EPA" article reflect an unhealthy and indeed dangerous attitude on the part of Government employees who wield substantial power but are not responsible to the people.

The fact is that behind all the Washington debates about regulations are everyday Americans who have to pay for them.

Let me tell you about some of those Americans; 23,000 of them live and work in the central Nebraska town of Hastings. They work hard every day, and I suspect they do not care about the Washington turf wars over who is superimposing whose judgment upon whom.

What they do care about is that a private study says it would have cost the city of Hastings $65 million to comply with the radon rule, nearly $3,000 for every man, woman, and child in the city, $65 million, Mr. President, for a rule which scientists say they may not even need, $65 million that could be spent on much more pressing needs, $65 million that could be used to finance the will of the people in Hastings, rather than the will of a handful of regulators in Washington, DC.

No one, to my knowledge, believes that radon in the city water supply is a serious threat to the people of Hastings. If it was, I doubt there would be a single person who would not gladly pay whatever it would take to make the water safe.

Mr. President, nearly every small town in Nebraska and across the Nation would have been in the same boat as Hastings had we allowed this regulation to be implemented. The costs would have varied town to town, but I suspect the questions would have been the same: How do regulators who live in a city hundreds, sometimes thousands, of miles away know better than we—and better than scientists—how to protect our water?

Fortunately, the Constitution provides a safeguard against such problems. That safeguard is called the Congress, the elected representatives of the people.

The only alternative to what some staffers quoted in the "Inside EPA" article characterized as "congressional interference" is an autonomous EPA. An autonomous EPA means a powerful Federal regulatory agency that deals with the American people as it pleases while Congress pays the tab and looks the other way. Each of us, I suspect, respects the work of the EPA and the individuals there, but I believe an unchecked EPA would be just as dangerous as an unchecked Congress.

Another source quoted in the article says we passed this amendment because of "political expediency." "This is not a new chapter in profiles in courage," one said.

Mr. President, if the radon amendment is a new chapter in any book I hope it is a chapter about the day Congress put a stop to unneeded Federal regulations. I hope it is a chapter about the day Congress decided the Government should not force regulations on the American people unless their need and cost can be justified by scientific evidence.

We passed this amendment because, with the best of intentions, the Federal Government was poised to burden the American people with a regulation that

would cost them billions but which scientists say they do not need.

We stopped that regulation because we believed it contradicted the needs of our constituents and our country and that, Mr. President, is our job.

I am confident that we will now have a constructive discussion on radon and drinking water based on a more thorough evaluation of scientific evidence. I am confident that debate, with the participation of the clear majority of EPA staffers who want to work with the Congress and not around it, will produce an appropriate and affordable standard for radon in drinking water.

And I am also confident that each of us agree that Federal regulations, especially when it comes to the environment, are often necessary. But we should remind Government agencies that we will be back here to interfere anytime the American people face a costly regulation they do not need. We owe that to the people of Hastings, NE, and to the rest of the taxpayers across the country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103–19

Mr. KERREY. Mr. President, on behalf of the majority as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Protocol Amending the Tax Convention with the Kingdom of the Netherlands (Treaty Document No. 103–19), transmitted to the Senate by the President on October 22, 1993; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on October 13, 1993. A related exchange of notes is enclosed for the information of the Senate. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol will prohibit a treaty abuse otherwise permitted by the Convention, which was previously transmitted to the Senate. The Protocol will prevent a Dutch investor in the United States from evading virtually all income taxes in both the United States and the Netherlands through a permanent establishment in a third, low-income jurisdiction. The Protocol and the Convention are intended to reduce the distortions of both double taxation and tax evasion. The two agreements will modernize tax relations between the United States and the Netherlands and will facilitate greater bilateral private sector investment.

I recommend that the Senate give early and favorable consideration to the Protocol, together with the Convention, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 22, 1993.*

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Senator HELMS is recognized.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,410,675,644,206.33 as of the close of business on Friday, October 22. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,171.58.

I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEFICIT

Mr. BUMPERS. Mr. President, I just listened with interest to the comments of the distinguished Senator from North Carolina. Normally, I would not join the debate, but there is nothing else going on around here, so we might as well take up a little time and talk about it.

I wanted to say to the Senator, first of all, he is absolutely right about the size of the deficit. He certainly is right about being concerned about it. We only have a slightly different perspective as to how it happened.

My recollection is that in 1980, when Ronald Reagan was running for President, the deficit was about $900 billion. Ronald Reagan was elected in 1980 on a single campaign promise, and that was to balance the budget. I recall during that campaign he never said, "I will balance the budget if the Democrats cooperate. I will balance the budget by using my veto power," which is an awesome power in the hands of the Executive. He did not say, "I'm going to do my best to balance the budget." He said, "I'm going to balance the budget."

I can remember, I say to the Senator from North Carolina, and the Senator can, too, the Democrats were hoping that the Republicans would nominate Ronald Reagan because we thought we surely would be able to beat him, but we did not really realize the antipathy of the country toward President Carter. The feeling of the country about the deficit was much, much greater than it is now. That is all anybody in my State wanted to talk about.

In 1980, when I was running for reelection—and Ronald Reagan was carrying my State—I did not really have much opposition but I was plenty apprehensive about it. The Democrats were just getting mauled over the deficit. I have no doubt—others may quarrel with it—I have no doubt the principal reason the American people voted for Ronald Reagan is because he talked about the deficit. He talked about other things that struck a chord, like Government regulation—which is still absolutely out of control—the banks of the country would probably be paying $1 billion, $2 billion more in taxes if they did not have to spend so much money on needless regulation, but that is another story.

So then when the President came to town, he said, "I want this budget balanced and here is the way to do it. The way to do it is to cut people's taxes."

He also talked about cutting spending, but, as I recall again, the Congress gave him precisely what he asked for. I will never forget that September afternoon in Rancho Mirage—or wherever his home was in California—when he signed that legislation and looked into the camera and said: "Congress, now you have given me the tools, and I'll do the job."

Does the Senator wish to comment?

Mr. HELMS. I certainly do, if the distinguished Senator will yield. The Senator's comments are the answer that has always been given since time immemorial when you disregard the responsibility that Congress has failed to exercise for 50 or more years. The Senator is largely accurate in the scenario he laid out. Ronald Reagan believed that he was going to get bipartisan cooperation from the other party when he was elected. He was certain of it. And he figured that everybody would be willing to work together to cut Federal spending. But Federal spending was not cut. Federal spending increased, which is precisely the point I just made a while ago.

Even if that were not so, I say to my friend from Arkansas, regardless of the faults any President may have, it is still the constitutional responsibility of the Congress of the United States to decide how much of the taxpayers' money should be spent, and on what, and to appropriate the funds after having authorized that money.

But, no, for more than 50 years Congress has gone right along, increasing Federal spending every year. I stress that this has been a bipartisan folly. I do not lay it at the doorstep of the Democratic Party or the Republican Party. Both parties are mutually guilty, except those of us—the Senator from Arkansas is often included in this group—those of us who dare to vote against the pet projects and excessive spending.

I reiterate: It is the responsibility of Congress, and Congress cannot escape it, to bring the fiscal situation in this country under control. But Congress has gone the other way. It is the constitutional responsibility of Congress, no matter what any President requests, no matter what any President does, it is the responsibility of Congress, under the Constitution, to spend the taxpayers' money wisely. I thank the Senator for yielding to me.

Mr. BUMPERS. I thank the Senator. Let me just continue, if I may, by saying certainly Congress cannot escape its responsibility because it has some blame—plenty of blame in Congress—but if I might just skip over a couple of minutes to where I really want to be now in this response. As the Senator knows, I used to be Governor.

Mr. HELMS. Excuse me, Mr. President. If the Senator will again yield, Arkansas has a balanced budget requirement in its Constitution, does it not? North Carolina does.

Mr. BUMPERS. It most certainly did.

Mr. HELMS. And Ronald Reagan tried his best to get the U.S. Constitution amended to require a balanced budget, and he was defeated.

Mr. BUMPERS. I am coming to that.

Does the Senator know what I used to tell those legislators who walked into my office? It did not necessarily have to be a spending bill, it could have been anything that was objectionable to me. I can remember those legislators walking in and saying, "Governor, you can't veto this bill," and I would say, "I can't? You just sit down there and watch me. I'm getting ready to put a great big old stamp on it"—in Arkansas, you put "Disapproved" when you want to veto a bill. It said "Disapproved, DALE BUMPERS," and that sucker was dead, except for one thing. In Arkansas, it only took a 51 percent vote in the House and the Senate to override a veto. I am happy to tell the Senator that of all the bills I vetoed—and there were dozens of them—I never had one overridden, and it only required a simple majority, which sort of led me to believe they knew the difference between right and wrong; they just needed somebody to point it out to them.

But the Senator will remember that scene when the President said: "You've given me the tools; now I'll do the job." The next thing you know, we have this big reconciliation bill on the floor of the Senate. At that time I had been here for 4 or 5 years—6 years, as a matter of fact—but I did not know much about the reconciliation process. All of a sudden, I find out that we have cut billions and billions of dollars, even made Hamburger Helper an entree in school lunches, made ketchup a vegetable, virtually eliminated the childhood immunization program, and on and on it went. And the people of the country said, "Now, just a minute. This thing has gone too far."

First of all, we took that first $56 billion in reconciliation that we saved by making Hamburger Helper an entree in the school lunchroom, and we took that $56 billion, put it in the wheelbarrow, and carried it across the Potomac River and dumped it right on the doorsteps of the Pentagon and said, "Here, you take it. We have saved this money now and the Russians are going to come and get us any minute, so spend this money."

Incidentally, now, I know the Senator is a fair-minded person. He will remember one time when the Pentagon had so much unobligated money that they could not tell you just how much it was. They had so much stacked up over there unobligated and did not know what they were going to spend it on.

So the first thing you know, instead of having a balanced budget by 1983, no later than 1984—and I say precisely what the President said—we see a deficit continuing to run out of control. And the reason is because we had only cut spending on the civilian discretionary side and put it over on the defense side.

Mr. HELMS. And, if the Senator will yield, not daring to lay a finger on entitlement programs which Congress declared to entitle millions of people a guaranteed amount of the tax money paid by the Federal taxpayer.

Mr. BUMPERS. The Senator is absolutely correct about that. We are all agreed the entitlements are the things that have run completely out of control in the past 12 years.

Mr. HELMS. And adding the enormous pyramiding interest on the Federal debt.

Mr. BUMPERS. The Senator from North Carolina just fell into what I was ready to say. I have a chart here.

Mr. HELMS. That is what prompted me to say it. I have been reading the Senator's chart.

Mr. BUMPERS. I have a chart here, and you will see those savings not only involve the savings for 1994, they involve, for example, the space station, which is only $2 billion in 1994, but you are looking at $83 billion to build that sucker, and we do not even have a plan. I said during the debate on the space station, I believe I could walk on the floor of the U.S. Senate and say, "Senators, I've got bad news for you. We've spent $8 billion so far and are getting ready to spend another $2 billion and there is no such thing. We don't have a plan, don't have a clue. There is no such thing." If that had been true, I do not believe I would have gotten an additional vote, not one.

This body was just hell-bent on spending the money for the space station and nobody could stop it—me, nobody else. But now I am getting ahead of myself again.

So in 1983, in all fairness to President Reagan, he said I will balance the budget in 1983, no later than 1994.

Now, while the Senator has correctly said that money cannot be spent unless Congress authorizes it and appropriates it, there is one sentence he neglected to add. That is, you cannot spend a penny in this country until the President signs off on it—"R. Reagan," "R.R. Reagan," "Ronald R. Reagan," whatever it takes to sign the bill. All he had to do was use that awesome constitutional power to veto any spending bill that he thought was going to add to the deficit.

I can tell you at that time, considering his popularity and the hostility of the voters of this country, nobody would have overridden the veto. But he did not do that. He did not veto a single spending bill, not one.

Then he began to say what we need is a line-item veto. Well, a line-item veto may not be the worst idea in the world, but it certainly shifts a tremendous amount of power from the legislative

branch to the executive branch. I do not mind saying here, I have strongly encouraged the President to send a very big rescission bill over here and to say to you people, I do not want to spend this money, and if you want me to spend it, you are going to have to vote again on it.

I think it would be a healthy thing for him to do. And, incidentally, there are a lot of rumblings now that he is going to do that.

Mr. CRAIG. Will the Senator yield?

Mr. BUMPERS. I yield for a question.

Mr. CRAIG. The question is, late this month or early next month the Senate will have an opportunity to work with the House and the American people to change the environment in which this process that the Senator and I are both concerned about operates. It is known as a constitutional amendment to balance the Federal budget. We will have that vote in this Chamber. How does the Senator plan to vote?

Mr. BUMPERS. Mr. President, I say to the Senator, you Republicans keep anticipating me. I am getting to that.

Mr. CRAIG. All right. The question will be how will the Senator from Arkansas plan to vote on that important issue?

Mr. BUMPERS. I am going to tell the Senator something. I am a little ambivalent. I have been strongly opposed to a constitutional amendment to balance the budget, and I wish we had a couple of hours for a colloquy on that subject.

While I certainly favor anything that will bring some constraints on the Congress, I have never been able to figure out how a constitutional amendment will work at the Federal level. It was easy in the State of Arkansas.

Incidentally, I will give you a little lesson in 103–A Arkansas economics. We had biennial budgeting. We budgeted 2 years at a time. I do not think biennial budgeting would be a bad idea for Congress. The President, who succeeded Senator PRYOR and me as Governor of Arkansas, also believes that biennial budgeting may have some merit.

But the other thing we did, we put funding for every program in classes A, B and C. We got a projection as to how much income we were going to have next year and the following year. We would take 80 percent of those figures and put it in category A. Now, we might put 90 percent in as far as education was concerned. Then we said, if projections are more than that, the additional amount of money goes in category B. If you get more than that, the additional amount goes in category C. Very seldom was much if anything funded under category C.

It was a magnificent system, to not spend more than you took in, and we never had to worry about the Constitution providing for a balanced budget amendment.

Now, if I could get all the Members of the Senate to vote for something like that, I might vote for a balanced budget amendment. But just to raise the question—and then I wish to get on with this show—just to raise the question about a balanced budget amendment, let us assume we go home. We have made a projection. We have appropriated money based on how much money we think we are going to have this year. All of a sudden, after we have patted ourselves on the back, given ourselves the good-Government award and gone home, we find ourselves with an economy that is collapsing.

Then you have to come back and, under the proposals that are being offered around here, vote by a three-fifths or two-thirds vote to spend money you do not have—deficit spending.

Now, what does that mean? That means a very small minority of people in the Senate can block it, no matter how critical the needs are, no matter if people are hungry and in the streets, as a lot of them are.

You are looking at somebody who can remember the Depression. I was just a youngster. But I can tell you it had a traumatic influence on me, and it certainly had a traumatic influence on my parents who were trying to put food on the table.

But I do not want to debate that. We are going to bring that bill up and we are going to debate it here.

Anyway, in 1984, the President said we need a line-item veto. In 1985, he said we need a constitutional amendment to balance the budget. In 1986, he said, you know, I cannot spend a nickel that Congress does not appropriate.

We have been through all that. I am not putting the onus on Ronald Reagan, but for the life of me, I have never understood why on Earth he did not use the veto power which he had to discipline Congress, just as I and DAVID PRYOR did when we were Governors of our State. Oftentimes, I did not have to veto a bill because I told them, you put that sucker on my desk and I am going to veto it; or, if you do not take this provision out, I am going to veto it; or, if you do not put this provision in, I am going to veto it. That is all I usually had to do, and that is all the President of the United States would have to do.

So, Mr. President, you are talking about the east coast distributor and the southwest coast distributor for balanced budgets, and for 4 consecutive years I have come to the floor of the Senate and offered a series of spending cuts.

The result is on that chart. That is this year. But the preceding 3 years are not much different. In 1993, in August, when we were debating the bill to cut the deficit, yes, it included taxes. Do you think I voted for that bill because I love to raise people's taxes and go home and say, you lucky dogs, I just voted to raise your taxes?

Do you know the one thing every politician wants more than anything else? Of course you do. It is to be reelected. Do you know the best way to not get reelected? Vote to raise somebody's taxes.

So, no, I did not enjoy going home and making that presentation. Do you think I enjoy telling the elderly we are going to tax more of your Social Security?

I can tell you what I enjoy a great deal less, and that is saying the deficit is out of control and we are not doing a thing about it. I hope things turn out OK for you.

I know the Chamber of Commerce speeches. I made my share of them. You tell them everything they want to hear. Do not talk about things you do not want to talk about. They are not privy to what is going on here; most of them are busy making a living. They do not know you voted to torpedo the space station or did not vote to torpedo the space station. They do not know how you voted on SDI. They do not know how you voted on the Advanced Solid Rocket Motor; they never heard of it.

They do not know how you voted on the intelligence budget. They think intelligence is a pretty good idea even though the budget is almost as big as it was at the height of the cold war and they want more money. They say there are terrorists in this world; we have to have more money. If you cannot deal with terrorism with the kind of money we are spending on intelligence, you are not going to do it with any more than you are already spending.

National Endowment for Democracy, that was almost laughable when I offered it. I have always opposed it. Only $35 million. But you project that one out 35 years, at interest of 4½ percent, and that is what you have to do because we are borrowing every penny of it, $2.2 billion. As Senator Everett Dirksen said, it soon runs into money, does it not?

But just go through the chart, and then I invite you to recall all of those speeches you heard back in August, and I was naive enough even after I have been here 19 years to believe that the people making those speeches were serious. I cannot vote for the President's deficit reduction package because it does not cut enough spending. They wore badges saying, "Cut Spending First." I remember when Gerald Ford was President. The WIN buttons; everybody wore a WIN button, "Whip Inflation Now". You do not whip inflation with a button. And you do not cut spending by wearing a button either. You cut spending by having the courage to walk on the floor of the U.S. Senate and voting to cut spending.

The Senator from North Carolina correctly pointed out that entitlements have been running out of control. They have indeed. But entitlements means a lot of things. When you talk about entitlements to the Chamber of Commerce they think of some worthless no good so and so on welfare. Well, I am for cutting him off. But it includes Social Security; it includes Medicare, it includes Medicaid; it includes food stamps; it includes cost-of-living increases for Social Security recipients; it includes a whole host of things.

So instead of people talking about entitlements, let us get specific. I said, let us torpedo the super collider. We did not have the courage to do it. The House did it. We debated that thing all day long here. And I got 42 votes, which I must say is 10 more than I got last year. So there is some change going on here.

That will save $39 billion over the next 35 years. I heard people on the floor of the Senate say, well, anybody who thinks that $640 million for 1994 is going to balance the budget is just crazy. We are not talking about $640 million in 1994. We are talking about a project which has gone from $4 billion to $13 billion in the past few years. And Lord knows where it will wind up.

We are talking about $39 billion. And the space station, you may get a chance to vote on that again before the Sun goes down today, Senator. I understand the Senator from Texas has an amendment to the bill to cut administrative expenses. I think the space station would be nice and neat, and clearly everybody would know what they were voting on. The Senator from Texas proposes to offset the cost of the retroactivity provisions of the tax bill by cutting administrative expenses.

That is kind of like entitlements. You cannot see it; cannot feel it; nobody knows who is hurt or helped by it.

I say if you really want to undo the retroactivity part of the tax bill, why not just offer up the space station? It is more than enough to do the job. And you get rid of a project that is already dead as a doornail. We have not signed it and sealed it and held the funeral.

But you think about the 6, 7 years we have funded the super collider. And everybody knew that all through the super collider was going to be killed. But not until we spent over $2 billion on it.

Everybody knows that the space station is dead. It is a question of when we are going to bury it. Who here will stand up and say what they are voting on when they vote with the space station?

I was reading Buck Rogers when I was a kid. It is wonderful. Incidentally, NASA's record is not all that hot. We lost 2.3 billion dollars' worth of rockets and satellites in the past 70 days. And $2.3 billion has blown up. Happily the shuttle was not one of them.

I can tell you, people come in here and vote for $2.1 billion next year for the space station and do not have a clue about what they are voting on. I do not mean to denigrate my colleagues, but it is a fact. The President does not even know what the space station is going to be. There is no design. There is nothing. You could save right now if you were to cut it right now and leave $500 million to terminate it.

We are leaving $640 million to terminate the collider. That is the second big hole in the ground that I had some part in stopping since I have been in the Senate. I can remember the Clinch River Breeder Reactor; 1983, the fourth year I finally killed that one; big hole in the ground; super collider, big hole in the ground. But you cannot ever stop it until they start digging.

The space station, if we keep going—we left $500 million in the space station this year to terminate it—we would still have cut $1.6 billion, but you take $83 billion that it would cost to build it, borrow the money, pay compounded interest on it, you save $216 billion.

Everything looks so easy now. It is just $1 billion. It is just a few hundred million dollars. But when you are borrowing the money for every dime you spend and paying interest on it, the figures become staggering.

SDI, we gave up on SDI because it had such a stench in its title. People did not like the smell of it. So they changed it to ballistic missile defense. And you remember how successful our Patriots were in Desert Storm. We are going to change this to theater missile defense. I do not mind that. But I mind the amount of money we are spending on it.

I tried and successfully—Senator SASSER and I cut $400 million off the authorization. So far that is about the only success, that is the only cut the Senate has made, $400 million on the ballistic missile defense program.

The intelligence budget which the Los Angeles Times says is $28 billion a year, more than 10 countries of NATO spend on their entire defense budget. More than Iran, Iraq, China, and North Korea. Can you believe we spend almost as much on intelligence as France and Britain each spend on its entire defense budget? China? Iraq?

The intelligence community says, well, we have a lot of terrorists in the world. So what is new?

And then the D–5 missile, I want you to think about the D–5 missile. We already have more missiles than are permitted under the START II treaty and still buying them. That is really smart, is it not?

Well, I might not go through all of these, except I want to point out on the super collider the House killed that 280 to 150, but the Senate resurrected it on a vote of 42 to 57. On the space station, the House approved it by one, 215 to 216. Do not worry anybody, the Senate will take care of it. We resurrected the space station by a vote of 40 to 59.

The ballistic missile program, that is one we won that I just mentioned a moment ago. The intelligence budget, the House disapproved cutting the intelligence budget by better than 2 to 1. And in this body I lost that one 35 to 64.

The advanced solid rocket motor. The House killed that thing 379–43. Do not worry, House, we resurrected it. We came a little closer, but we lost that one 53–47. That one is dead, too, now because the House happened to refuse to even take it up.

The National Endowment for Democracy. A small amount of money, the House killed it 243–181, but do not worry, House of Representatives, the good old Senate saved it. We saved you from all of those spending cuts you are trying to get through the House. We voted against cutting that program 23–74.

If it were not too embarrassing, I have a chart I asked my staff to put together on the 17 votes—we have had 17 votes on appropriations that were pure spending cuts—17. Senator DORGAN will be happy to know he is one of four Senators that has a better record than I have on voting for spending cuts.

I am not going to embarrass people who have stood on the floor and talked about what great budget balancers we were. We had one Senator with a zero record. We had a lot of Senators who made those long, patronizing, paternalistic statements about how they love spending cuts more than anything else and voted for about 25 to 30 percent of those cuts.

While I am willing to admit that nobody around here is perfect, everybody votes for a pork project now and then. Pork is still what somebody else gets in his State, not yours.

But when people tell me we need this and we need that, we need the line-item veto and rescissions and a balanced budget amendment to the Constitution, what we need are men and women who are committed to the future of this country and our children and who know as well as they know their names where we are headed if we do not come to our senses.

The American people are still upset. They have been upset since 1980. They are still upset. And they have the number of this place.

Mr. DORGAN. If the Senator will yield for a question, I have listened for some while to the Senator, not only today but also on amendments he has offered. One of the interesting things about politics and about our legislative procedure is that no one is likely to have a reception someplace and invite us to come and honor Senator DALE BUMPERS for his work on behalf of cutting Federal spending. If someone is in favor of spending—this spending or that spending, or this group or that

group or the other group—it is not unusual to be invited to a reception or banquet honoring that Senator or Congressman, because that person has championed this way or that way to spend money. Nobody is going to hold a banquet for Senator BUMPERS because he took on the interest groups. He tried to cut money from the super collider, the space station, intelligence functions, SDI, D–5, and the advanced solid rocket motor. That is unfortunately the way this system works. It is designed like a giant boulder rolling downhill to spend and spend and spend.

One of the things that is always interesting to me, that I hear everywhere I go, is that the President does not spend money. Anybody who reads history books about the way this country was founded, or who has read the Constitution, understands that Congress spends money. Therefore, Congress is responsible for the deficits.

Well, there is no question about the fact that we are responsible. No question about that. It is our responsibility. But there are joint responsibilities here.

There are three steps to spending a dollar. First, by law, the President requests a Federal budget. He proposes a certain level of spending. Second, the Congress then disposes of those recommendations by determining what to spend. Third, and very important, equal to about two-thirds of the votes of the House and the Senate, the President decides to accept or to veto the budget Congress has passed.

The President has an enormous responsibility in how much gets spent. The Senator from Arkansas has again pointed out to the Members of the Senate that we are going to tackle this issue and begin to cut unnecessary spending when we quit wearing buttons and start casting votes on the floor of the Senate on specific issues.

Do you think or do you not think that the space station is a waste of money? If you do not think so, fine, vote to keep spending, but do not wear your button anymore. Do not wear a button saying "Cut Spending First" and vote for every conceivable area of public spending when it is in your State.

I think the Senator from Arkansas does an enormous service to the Senate. He has demonstrated with his report card that it is one thing to talk in slogans about spending cuts; it is quite another thing to confront a choice about real spending cuts on real projects.

Obviously, the super collider has now been killed. That was not because of the Senate, but because the House of Representatives flat out killed it. In effect, the House said "Do not send it back because we are not going to pass it."

Does the Senator see progress on some of the other items he has been offering amendments on?

Mr. BUMPERS. I do, indeed. I just do not believe the House is going to accept a bill with the National Endowment for Democracy in there. I do not have anything against democracy, but we spend $14 billion in foreign aid, and I thought that was to try to promote democracy abroad. Here is a $35 million boondoggle.

When I debated that on the floor—and I have told this before—I walked off the floor after making a barn-burning speech trying to kill that thing, and somebody said, "Senator, do you know your wife is going to Kazakhstan with a delegation funded with a grant from the National Endowment?"

I said, "Mrs. Bumpers can just stay home. She does not need to go to Kazakhstan anyway, and if we can save $35 million, I am willing to tell her she cannot go." But I do not think the House is going to approve that. Look at the vote, 243–181. And on the ASRM, I think that is dead. It is already dead.

I will tell you where the biggies are. The space station is the biggest of all. When you look at what that will cost over 35 years, $216 billion, that is by far the biggest item that we need to get rid of. I am not going to debate the space station. You and I have been on the same side of that issue, and we have talked about it and given it our best shot, and we have simply not prevailed.

Ballistic missile defense. I am not sure that that is a bad idea, but I know that we are spending too much money on research right now. You know, we spent over $30 billion on SDI before we decided we did not need SDI.

So they changed the name of it to BMD, ballistic missile defense, and conjured up all of those rockets being destroyed by Patriot missiles. Who wants to vote against the Patriot when they watched on the evening television as that thing supposedly—you and I know that was terribly embellished about the success rate of that. But everybody saw it, and they were patriotic about it.

The intelligence budget is still out of control. I do not want to give him a figure as to what I think the intelligence budget ought to be, but it is terribly bloated at this moment.

As to the D–5 missile, the Senator heard me say a moment ago we already have bought and paid for more missiles and more warheads for our Trident submarines than we are going to be permitted to use under the START II Treaty, which we must come into compliance with around the year 2000. The Senator knows what will happen—the same thing that happened on the super conductor supercollider. I lost that battle this year. Next year I may lose it again. The next year I may win it. And we would have spent all that money needlessly in the meantime.

I am glad they are not digging a hole for the D–5 because they love to dig holes. Everything has a hole—the Clinch River breeder, the super collider. If they were digging a hole they would be down I do not know how deep right now. We all know we have to go back and fill the hole in.

I already mentioned the other two. These figures are slightly embellished. The figure is more than $450 billion that we could save with those few amendments over the next 35 years.

We never get a chance to vote on the 35-year cost. We vote on that $500 million for next year or that $1.5 billion or $2 billion for next year as though that is just petty cash. We know where it is headed. We know what the ultimate cost is going to be.

Madam President, I am prepared to yield the floor. As I say, I was sitting here waiting for the Senator from Texas to offer her amendment on the retroactivity part of the tax bill and maybe might offer a second-degree amendment or first-degree amendment. But in any event, since the Senator from North Carolina came in and mentioned deficit, he really rang my bell, and I just thought I would get up and make a few points.

Mr. DORGAN. Madam President, will the Senator yield for one additional quick question?

Mr. BUMPERS. I am happy to yield.

Mr. DORGAN. I know others wish to speak. I will be brief.

The Senator's amendment on the National Endowment for Democracy was not a case of others trying just to save this program, which is without worth. The Senator from Arkansas was also saying that this program should be killed. But the folks who are recommending more money are saying we should cut everything else—cut programs for kids, cut programs for people who are vulnerable. And we are cutting a whole range of those programs. But they also said the National Endowment for Democracy should be given a very healthy increase in money.

What is the National Endowment for Democracy? The NED takes $35 million from the American taxpayer, divvies it up, and gives a little bit to the AFL–CIO!

Mr. BUMPERS. Not a little bit.

Mr. DORGAN. Give a big amount.

Mr. BUMPERS. It is a big percentage.

Mr. DORGAN. It also gives a lot to the chamber of commerce, to the Democratic National Party, and to the Republican National Party.

So now we have four groups that benefit by NED: Labor, business, and the two national parties. NED gives them money, millions and millions of dollars, and says to them, "Your mission is to go out into the world and promote democracy."

Talk about a weak case of spending the taxpayers' money. I tell you that the case does not exist. And not only were others telling us to spend that

money, but they were also saying in virtually every area of the Federal Government that we must tighten our belt and exercise control. They insist on waiting until it comes to giving money to the chamber of commerce, the AFL–CIO, and the two national political parties. We are then told to give them a lot more money than they used to have.

That is the craziest scheme in the entire Western World.

How many votes did the Senator from Arkansas get from folks wearing "Cut Spending First" buttons? How many votes did the Senator get in the U.S. Senate to cut the National Endowment for Democracy?

Mr. BUMPERS. Twenty-three votes out of one hundred.

Mr. DORGAN. Seventy-four Senators voted not to cut.

Mr. BUMPERS. Incidentally, I will tell the Senator from North Dakota offered his comments on salient, cogent points, that is, nobody around here gets any awards. You do not get a plaque—Lord knows I get plenty of them. I do not go to a chamber of commerce banquet where we do not get a plaque. We get plenty of plaques and little statuettes, and all that sort of thing, honoring us for spending, but there are no groups in this town honoring anybody for cutting spending.

The politics of every issue is with spending. I was going to tell the Senator when you look at all those big-ticket items, the National Endowment for Democracy does not amount to a tin whistle, and yet that was probably the heaviest lobby opposition I ran into of all my amendments. It was the strangest, bizarre thing I ever ran into.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CHIEF OF THE FOREST SERVICE

Mr. CRAIG. Madam President, I am going to change the subject away from the deficit this afternoon, but I would tell the Senator from Arkansas one of the reasons he does not recognize there are groups out there who award you for cutting spending is because he has probably not received a lot of those cut awards because the big money is in a lot of these everyday appropriations bills that grow at the rate of 8 and 10 and 12 percent. About 85 to 90 percent of the big dollar money is there, and if you do not cut the overall size of the Government, then, you bet, $2 billion sounds like a lot but in the size of a trillion dollar-plus budget, sadly enough, it is a bit of pocket change.

What I would like to talk about for a few moments this afternoon is something that is well under way in the Clinton administration that I think gives great frustration to many of us who have watched over the years an old-line Federal agency be managed by a corps of professional people to assure that it be professional in addressing its responsibilities for the American people.

What I am talking about is the U.S. Forest Service.

Headlines in the Washington Times this morning say "Foresters Balk at Clinton Candidate for Agency Leader."

To my knowledge this is the first time in the history of the United States Forest Service that 69 forest supervisors from 28 States and Puerto Rico wrote the President of the United States to ask him to do something different for the sake and the integrity of the agency that those people are responsible in managing.

On last Friday I became aware of the fact that by all appearances under the new organizational structure of the USDA under the direction of Secretary Mike Espy it appeared that this President was attempting to politicize the appointment of the Chief of the U.S. Forest Service. That would be the first time in the 88-year history of the Forest Service that the Chief was not a professional from inside the ranks of the U.S. Forest Service.

Not only did I in the letter signed along with MARK HATFIELD, the Senator from Oregon, Senator MALCOLM WALLOP from Wyoming, Senator CONRAD BURNS of Montana, asked the Secretary to change his mind, but then came the letter of 70 foresters from across the country asking that that happen.

Probably one of the most disturbing letters came to Assistant Secretary Jim Lyons on the 15th of this month from the former Chief of the Forest Service, R. Max Peterson, who in a 2-page, single spaced letter gave a very critical critique of what appears to be a way to scheme, if you will—let me use the word "scheme" to rearrange the method by which Chiefs of the Forest Service are appointed so that a person who is not in the senior executive service could qualify in that.

I just mention senior executive service. Historically and for all reasons of professionalism and expertise, people who have arrived at the status to be considered for Chief of the U.S. Forest Service have come from the ranks of the senior executive service.

That is something that we as a Congress have promoted, recognizing that these men and women are those who aspired through the ranks of leadership and experience which then provided them with a type of expertise and talent that would offer to this country the quality of leadership that our Government would want.

Not only did a letter come from Max Peterson but a letter from the National Association of State Foresters and probably the most critical and interesting letter came from a fellow who only identifies himself as an employee of the Forest Service, a Louis Romero, who says in his letter to the President on the 15th of October—and he also sent a copy to Dale Robertson, Chief of the Forest Service, and Larry Henson, Regional Forester, Southwestern Region, and Lou Volk, Deputy Regional Forster—he writes this in his closing paragraph:

In my 31 years I have never seen so many proud, competent employees of the Forest Service so demoralized. If our Chief is replaced, I am confident that we will rise to support his successor despite the mood spreading among USDA Forest Service employees from current signals. I am writing you as one of those proud USDA Forest Service employees with an outstanding performance record of serving the agency and our public. I consider myself a student of leadership, who like you, is interested in "doing the right things for the greater good" of our country. I am not some disgruntled employee with a particular "ax" to grind.

It is an extremely well written letter.

I think this is because of a series of actions that occurred since President Clinton took office, an across the board freeze of employees that demoralized any upward movement and now an attempt to politicize the Chief of the Forest Service.

Madam President, I ask unanimous consent that all of these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
STATE FORESTERS,
Washington, DC, October 1, 1993.

Hon. JAMES R. LYONS,
Assistant Secretary for Natural Resources and Environment, U.S. Department of Agriculture, Washington, DC.

DEAR JIM: It has come to our attention that the Department is considering replacing Dale Robertson as Chief of the Forest Service. It is our hope that whomever is named to the post should be a qualified professional who has gone through the appropriate civil service qualifications and processes. It should not under any circumstances be a political appointment.

Maintaining a high level of professionalism will be critical in maintaining and restoring the credibility of the Forest Service. Unnecessarily politicizing the Chief's position would undermine the Service and the profession of forestry over the long term.

Please feel free to contact me directly at (804) 977–6555 to discuss this matter.

Sincerely,

JAMES W. GARNER,
President.

OCTOBER 15, 1993.

Secretary of Agriculture MIKE ESPY,
USDA Administration Building, Washington, DC.

DEAR SECRETARY ESPY: Since entering office you have encouraged employees to communicate their ideas and concerns to you. I am a loyal 31 year field employee of the USDA Forest Service writing to the Secretary of Agriculture for the first time in my

career. I want to surface some leadership questions that seem to bring discredit to the important principles of team work, empowerment, participation and trust woven throughout the excellent National Performance Review led by Vice President Gore.

You are aware of the controversial nature of the Forest Service Mission due to the many, intensely diversified interests it serves. That controversy is often played out in the media by focusing on our leader, Chief Dale Robertson. The latest, most damaging examples were in two issues of the Washington Post last week. One article quotes you as intending to replace Chief Dale Robertson for "* * *a problem not just of structure, but of leadership." Much to my dismay, I learned yesterday that you had never actually spoken with our Chief about this.

Because I wonder if anyone advises you of perceptions in the field, the purpose of my letter is to surface examples of signals from your administration that seem counter to the goals and principles of Reinventing Government. One example is the uncharacteristic isolation of our top Forest Service leaders from vital, USDA information the last ten months. Another example is the micro-management of a ten month employment freeze that continues to demoralize our employees service-wide. Current initiatives to centralize Administrative functions into the Department without serious consultation of our top leadership seem opposite from the kind of professionalism, teamwork and participation called for in the National Performance Review. You have articulated noble goals for TEAM USDA, but the actions that follow from some of your Assistants are not congruent. Their actions seem more motivated by a desire to dis-empower, control, micro-manage and centralize. I realize it is still the dawn of your administration. Many details are yet to be worked out. But like in the dawn of morning, the first signs tend to forecast the nature of the day ahead. I would like to see your administration be successful but early signs are creating anxiety about "storminess" ahead.

Secretary Espy, I ask you to please consider the following questions:

1. Does the top leadership of the Department support and seriously intend to follow the goals and principles in the NPR in its own reinvention effort? Are you aware of the counter signals we receive and the perceptions in the field?

2. Why has the top leadership of the Forest Service been isolated from a continuing flow of vital information and participation especially on matters that directly affect the Forest Service, an important component of "TEAM USDA"? Do you realize how that void is multiplied many times for employees in the field?

3. Why haven't you discussed your intentions to replace our Chief Dale Robertson face to face with him? Why do we have to learn about it in the Washington Post first? Can you imagine the suspicion, speculation and mistrust that can breed among employees?

In my 31 years I have never seen so many proud, competent employees of the Forest Service so demoralized. If our Chief is replaced, I am confident that we will rise to support his successor despite the mood spreading among USDA Forest Service employees from current signals. I am writing you as one of those proud USDA Forest Service employees with an outstanding performance record of serving the agency and our public. I consider myself a student of leadership, who like you, is interested in "doing the right things for the greater good" of our country. I am not some disgruntled employee with a particular "ax to grind". I hope you will accept my input in the constructive spirit I offer it. Please help me believe that we can expect to see better signals soon.

Respectfully yours,

LOUIS D. ROMERO.

FAIRFAX, VA,
October 15, 1993.

Assistant Secretary JAMES LYONS,
U.S. Department of Agriculture, Washington, DC.

DEAR JIM: The purpose of this letter is to document the discussions I have had with you and others concerning plans for replacing the Chief of the Forest Service. For reasons that are not clear to me, my position has been either distorted or stated incorrectly. I feel sure you understand my position which I stated to you by phone and in person at Grey Towers.

First let me make it abundantly clear that I have not sought a role in determining whether there should be a change in Chiefs and if so who the replacement should be. I also understand that the 1978 Civil Service Reform Act gives authority to the Secretary of a Department the authority to reassign any member of the Senior Executive Service after due notice and that such authority includes the Chief of the Forest Service. That same Act established competitive requirements for entry of people as career members of the Senior Executive Service. During my career as Chief of the Forest Service I considered it a solemn duty to insure that such competitive requirements were met and that every person who desired to do so should have an ample and fair opportunity to be considered. Any idea of manipulating the process is repugnant to me and against everything I stand for.

I first learned of apparent plans to make a change in the Chief of the Forest Service on September 5 when I called home after a week hunting in an isolated area in Alaska. A retired Forest Service employee in Oregon had called about articles in Oregon papers which quoted various sources as saying the Chief would be replaced by Jack Ward Thomas. I took no action as the result of that call.

My concern was triggered when I learned from several sources more than week later of an apparent plan to change the Chief's job to a noncareer (political) appointment in order to circumvent the competitive requirements and reach Jack Ward Thomas who had never previously applied for or qualified as a career Senior Executive. To say I was shocked and disappointed that you would support such a process is an understatement. I immediately called you to state my concern but in what has been a familiar pattern recently you were not available and did not return my call. I then called Mark Gaede and outlined my concern and asked him to relay my concern to you. When you called me later I outlined my concern and suggested there were a number of options available to you for filling the position which would not lead to politicizing the job with the long run adverse consequences that will certainly occur. I repeated those concerns and went over options with you in person at Grey Towers, Pennsylvania on Saturday September 25 so there would be no misunderstanding between us. I also said I would appreciate your letting me know what you decided to do because I would much rather work with you than against you. I did reiterate my opposition to making the job a political appointment because of my concern that you were unwisely trying to meet what you consider an immediate problem by a course of action that in my judgment would have long term adverse consequences. If I have learned anything in more than 45 years of work in natural resources it is to vigorously oppose such unwise tradeoffs.

For reasons that are unclear to me you have not bothered to advise me of your decision but instead you have complained to a number of people including officers of the Association abut my opposition to your efforts. I am deeply disappointed that you would adopt such tactics which do not enhance your standing in anyone's eyes.

For the record let me reiterate that you have at least these options for filling the job without the long term adverse consequences of making it a political position:

1. Advertise the job competitively and equitably consider ALL applicants including Jack Ward Thomas as well as numerous other people including women and minorities who are qualified and entitled to equitable consideration. I understand that the preferred advertising time is 90 days so it could take 120 days to fill the job. If it is considered urgent to do so you have at least 80 career people to choose from in designating an acting Chief.

2. Advertise the position under expedited procedures which I understand can be as short as 21 days which means the position could be filled in 5 to 8 weeks. All interested and qualified applicants can and should be considered. Again an acting can be designated if considered necessary.

Let me close by assuring you that I do not relish the idea of opposing the action you apparently are still pursuing. I have been a long time supporter of yours and in fact personally advocated that our Association support you for the Assistant Secretary position you now occupy. I fervently hope your legacy is not a political Chief of the Forest Service which causes long term politization as has happened to agencies such as BLM. Both of us have seen what that can do to the fine people in BLM who want to practice long term professional stewardship of resources.

Whatever happens I assure you that I will be as vigorous in supporting you when I think you are right as I have been in opposing you when I think you are wrong!

Sincerely,

R. MAX PETERSON.

U.S. SENATE,
Washington, DC, October 21, 1993.

Hon. MIKE ESPY,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR MIKE: We have become extremely alarmed at the vicious and unwarranted attacks targeted at Forest Service Chief Dale Robertson, and by inference, all Forest Service employees. Obviously we are witnessing an orchestrated effort to discredit Forest Service leadership with the intent of wholesale replacement of the Chief and experienced, upper-level management.

Neither Dale nor the employees deserve this treatment. They are doing their best to manage National Forest lands under a complex of conflicting laws which leave them open to challenge. And those organizations and individuals who have not gotten what they want from the Service do not hesitate to challenge, delay and cloud the issues in the hope they can force their position on the American public.

Now, these blatant actions by the preservation lobby have gone too far. They ask us to believe that timber worth hundreds of millions of dollars has been stolen while Forest Supervisors and District Rangers stood passively by, or facilitated such theft. That charge is an outrage. But it is an example of the tabloid-style message by which preservationists are attempting to dupe Congress and public opinion.

Rather then simply influencing American opinion, these tactics place the Forest Service in real danger of a complete breakdown. The freeze on filling vacant positions which has been in effect since last winter is rendering the agency incapable of responding adequately under these very difficult circumstances. Micromanagement of the Agency by Assistant Secretary Lyons, while keeping Dale and all the top leadership in the dark, violates all rules of professional management. At every turn, Forest Service employees tell us they are demoralized and dispirited beyond any previous experience.

Though we have enjoyed a very cooperative working relationship with Dale, we realize it is within your discretion to replace him. If the process used to do so conforms to the normal procedures used in the past, and are consistent with rules for selection and placements within the Senior Executive Service, then we will not oppose your decision. It seems obvious that the candidates must be proven professionals who have demonstrated considerable skill in managing, supervising, and directing a complex organization. Though political savvy is desirable, the new Chief must not be selected merely for political reasons.

Mike, we are asking that you step in and take the lead. During the USDA Reorganization Hearing before the Agriculture Committee on October 6, 1993, you stated that the primary criteria for selecting a new Chief must be those based on professionalism and demonstrated management and organizational talents. We thoroughly agree. You must establish a clear process to identify and evaluate candidates which does not deviate from established practice for placing top executives within government.

Right now we are on a contrary track. Some candidates under consideration are not qualified as Senior Executives. They do not have the demonstrated administrative and management skills to succeed in what has become a very difficult job. If this track runs its course without your involvement, there is great danger that the politicized selection process, and a faulty selection, will guarantee failure for the individual and the agency.

If this Administration breaks with established SES procedures and selects a political Chief, we will live with that precedent for many years. We will take an aggressive stance, through legislation if necessary, to assure that the candidate will come before the Senate Agriculture Committee for confirmation.

The Forest Service mission remains "Caring For The Land And Serving People." The mission statement is still a valid and worthy goal which can only be met if the organization itself is brought back to health. Your personal involvement in this matter is crucial to assuring that end.

Sincerely,

LARRY E. CRAIG.
MALCOLM WALLOP.
MARK O. HATFIELD.
CONRAD BURNS.

OCTOBER 22, 1993.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: For 102 years, the USDA Forest Service has, under the leadership of career professionals, proudly managed America's National Forests and Grasslands. By all accounts, the Forest Service is the world leader in natural resource conservation and management.

We are aware of the effort to replace the Chief of the Forest Service with a political appointee. With all due respect, we oppose this course of action. It would set a precedent for all future administrations, making it possible for the then currently correct special interest groups to control the National Forests. Doing so would create a serious threat to the future of the National Forests.

The Forest Service has had a career professional Chief for nearly a century and this is a highly significant symbol to the career employees of the Forest Service. It is not our intention to lend support for or against any candidates for the Chief's position. Rather, we believe the Chief should be selected from the Senior Executive Service (SES) since members of SES are career employees of the Department selected by competitive process. We believe this competitive process to be extremely fair and that it provides a pool of candidates who are diverse and highly qualified career employees. We also believe the proper management of natural resources requires a long-term view—not the shorter view often engendered by the political process. "Caring for the land and serving people" for the long haul requires delicate and professional leadership.

The Forest Service is responsive to the changing values of the American people, and to changing public policy. Clearly, managing the nation's natural resources has not been without controversy. However, we believe that such controversy is part of the process of public involvement, since millions of people "love their National Forests," and judge our management against their own personal value system. Even with this inevitable controversy, the majority of the American people hold the USDA Forest Service in high regard.

We are Forest Supervisors, collectively responsible for the management of over 100 million acres of National Forest lands throughout this country. We represent over 1000 years of experience and we are very proud of our accomplishments and heritage. We are keenly aware of the changes that are going on in our Agency and feel that strong leadership is critical at this time.

We appreciate your consideration of our viewpoint and look forward to serving whomever is selected as our new Chief. Whatever your decision, we are committed to our proud tradition of excellence in "caring for the land and serving people."

The names of the Forest Supervisors listed below are committed to the content of this letter. Due to urgency, signatures were not possible to obtain, and many Forest Supervisors were unavailable.

Larry D. Keown, Forest Supervisor, Bighorn National Forest, Sheridan, WY.

Barry Davis, Forest Supervisor, Shoeshone National Forest, Cody, WY.

R.M. (Jim) Nelson, Forest Supervisor, Toiyabe National Forest, Sparks, NV.

James L. Caswell, Forest Supervisor, Clearwater National Forest, Orofino, ID.

Ronald C. Prichard, Forest Supervisor, Beaverhead National Forest, Dillon, MT.

Stephen K. Kelly, Forest Supervisor, Bitterroot National Forest, Hamilton, MT.

Van Elsbernd, Forest Supervisor, Deerlodge National Forest, Butte, MT.

Art Carroll, Scenic Area Manager, Columbia Gorge National Scenic Area, Hood River, OR.

Daniel K. Chisholm, Forest Supervisor, Mendocino National Forest, Willows, CA.

J. Dale Gorman, Forest Supervisor, Lewis & Clark National Forest, Great Falls, MT.

Abigail Kimbell, Forest Supervisor, Stikine Area, Tongass NF, Petersburg, AL.

Bruce Van Zee, Forest Supervisor, Chugach National Forest, Anchorage, AL.

Gary Morrison, Forest Supervisor, Chatham Area, Tongass NF, Sitka, AL.

Dave Rittenhouse Forest Supervisor, Ketchikan Area, Tongass NF, Ketchikan, AL.

Francis J. Voytas, Forest Supervisor, Wayne National Forest, Bedford, ID.

William F. Spinner, Forest Supervisor, Hiawatha National Forest, Escanaba, MI.

David H. Morton, Forest Supervisor, Ottawa National Forest, Ironwood, MI.

Steven T. Eubanks, Forest Supervisor, Chippewa National Forest, Cass Lake, MI.

Sandra Key, Forest Supervisor, Sequoia National Forest, Porterville, CA.

Stephen Fitch, Forest Supervisor, Shasta-Trinity National Forest, Redding, CA.

Ted C. Stubblefield, Forest Supervisor, Gifford Pinchot National Forest, Vancouver, WA.

Walter Weaver, Acting Forest Supervisor, Mt. Baker-Snoqualmie National Forest, Mountlake Terrace, WA.

Samuel Gehr, Forest Supervisor, Okanogan National Forest, Okanogan, WA.

Ronald R. Humphrey, Forest Supervisor, Olympic National Forest, Olympic, WA.

Sonny O'Neal, Forest Supervisor, Wenatchee National Forest, Wenatchee, WA.

Leonard Lucero, Forest Supervisor, Carson National Forest, Taos, NM.

Lynn C. Neff, Forest Supervisor, Ozark-St. Francis National Forest, Russellville, AR.

Brad Powel, Acting Forest Supervisor, Daniel Boone National Forest, Winchester, KY.

Kenneth R. Johnson, Forest Supervisor, National Forests in Mississippi, Jackson, MS.

Bob Castaneda, Forest Supervisor, Winema National Forest, Klamath Falls, OR.

Ed Schultz, Forest Supervisor, Colville National Forest, Colville, WA.

M.M. Underwood, Jr., Forest Supervisor, Arapaho and Roosevelt NF, Fort Collins, CO.

Jack A. Weissling, Forest Supervisor, Pike and San Isabel National Forest, Pueblo, CO.

Veto J. LaSalle, Forest Supervisor, White River National Forest, Glenwood Springs, CO.

Jerry Schmidt, Forest Supervisor, Medicine Bow & Routt NF, Steamboat Springs, CO.

Mary H. Peterson, Forest Supervisor, Nebraska National Forest, Chadron, NE.

John H. Yancy, Forest Supervisor, National Forests in Alabama, Montgomery, AL.

Donna Hepp, Acting Forest Supervisor, National Forests in Florida, Tallahassee, FL.

Danny W. Britt, Forest Supervisor, Kisatchie National Forest, Pineville, LA.

Pablo Cruz, Forest Supervisor, Caribbean National Forest, Rio Riedras, PR.

Maynard Rost, Forest Supervisor, Gila National Forest, Silver City, NM.

Orville L. Daniels, Forest Supervisor, Lolo National Forest, Missoula, MT.

Rick D. Cables, Forest Supervisor, White Mountain National Forest, Laconia, NH.

John E. Palmer, Forest Supervisor, Allegheny National Forest, Warren, PA.

Terry W. Hoffman, Forest Supervisor, Green Mountain National Forest, Rutland, VT.

Jim Page, Forest Supervisor, Monongahela National Forest, Eklins, WV.

Jack G. Troyer, Forest Supervisor, Chequamegon National Forest, Park Falls, WI.

Michael J. Rogers, Forest Supervisor, Angeles National Forest, Arcadia, CA.

Anne S. Fege, Forest Supervisor, Cleveland National Forest, San Diego, CA.

John Phipps, Forest Supervisor, Eldorado National Forest, Placerville, CA.

Wayne Thornton, Forest Supervisor, Plumas National Forest, Quincy, CA.

Kathleen McAllister, Acting Forest Supervisor, Superior National Forest, Duluth, MN.

B. Eric Morse, Forest Supervisor, Mark Twain National Forest, Rolla, MO.

Jose Cruz, Forest Supervisor, Deschutes National Forest, Bend, OR.

Mike Edrington, Forest Supervisor, Mt. Hood National Forest, Gresham, OR.

Thomas A. Schmidt, Forest Supervisor, Ochoco National Forest, Prineville, OR.

James T. Gladen, Forest Supervisor, Rogue River National Forest, Medford, OR.

J. Michael Lunn, Forest Supervisor, Siskiyou National Forest, Grants Pass, OR.

Jim Furnish, Acting Forest Supervisor, Siuslaw National Forest, Corvallis, OR.

Able Camarena, Acting Forest Supervisor, Umpqua National Forest, Roseburg, OR.

Robert Richmond, Forest Supervisor, Wallowa-Whitman National Forest, Baker City, OR.

Darrel L. Kenops, Forest Supervisor, Williamette National Forest, Eugene, OR.

David W. Wilson, Forest Supervisor, Francis Marion and Sumter National Forest, Columbia, SC.

George Wayne Kelley, Forest Supervisor, George Washington National Forest, Harrisonburg, VA.

John G. Irwin, Forest Supervisor, Savannah River Forest Station (DOE) New Ellenton, SC.

Debbie Austin, Acting Forest Supervisor, Inyo National Forest, Bishop, CA.

John F. Ramey, Forest Supervisor, Cherokee National Forest, Cleveland, TN.

Joy E. Berg, Forest Supervisor, Jefferson National Forest, Roanoke, VA.

David P. Garber, Forest Supervisor, Gallatin National Forest, Bozeman, MT.

Respectfully submitted,

GENE ZIMMERMAN,
Forest Supervisor.

SAN BERNARDINO NATIONAL FOREST, SAN BERNARDINO, CA.

NOTE. The names attached to this letter represent 70 forest supervisors in 30 states and Puerto Rico. This is a majority of the nation's 121 national forests.

Mr. CRAIG. Madam President, I ask unanimous consent that an article from the Washington Times also be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Oct. 24, 1993]

FORESTERS BALK AT CLINTON'S CANDIDATE FOR AGENCY LEADER

HELENA, MT.—The nation's foresters are aghast at the chance that someone they consider a presidential crony could be named head of the U.S. Forest Service.

Sixty-nine forest supervisors from Montana, 28 other states and Puerto Rico wrote to President Clinton Friday.

They said replacing Forest Service chief Dale Robertson for political reasons "would set a precedent for all future administrations, making it possible for the then currently correct special interest groups to control the national forests."

Agriculture Secretary Mike Espy has said he wants to replace Mr. Robertson. Sources have told the Associated Press the leading candidate is Jack Ward Thomas, who headed Mr. Clinton's Northwest forest advisory team and drafted the congressional report that called for drastic logging cutbacks in the Northwest to save the endangered spotted owl.

If Mr. Thomas is appointed, it would be the first time ever that a wildlife biologist, not a professional forester, would be the chief. Mr. Thomas also is not a member of the senior executive service within the government and ordinarily would not be considered qualified for the career post of chief.

Like all previous appointees, Mr. Robertson is a professional forester. He also served in a variety of Forest Service jobs, including deputy chief.

Idaho Gov. Cecil Andrus, who was interior secretary under President Carter, said he told a White House aide that the Clinton administration is courting political problems in the West by fiddling with the post.

"I told him they didn't have that many friends in the West to keep doing these kinds of things," Mr. Andrus said.

Mr. Espy earlier this month told the Senate Agriculture Committee that he plans to replace Mr. Robertson, saying there was a need for "new leadership." He has not said who the new chief might be.

Mr. Robertson, appointed in 1987 by the Reagan administration, said Mr. Espy showed disrespect for him and broke tradition and protocol by announcing the decision without first consulting him. Mr. Robertson cannot be fired but can be reassigned.

Mr. Robertson's hold on the job has been considered precarious since Mr. Clinton took office. Assistant Agriculture Secretary Jim Lyons told a House committee this summer that Mr. Clinton inherited a terrible mismanaged national forest system, damaged by years of excessive logging. Environmental groups have openly lobbied for Mr. Robertson's replacement.

Gray F. Reynolds, a regional forester in Ogden, Utah, said if the Clinton administration appoints a new chief lacking forestry experience, the nation's forests could suffer.

"Decisions and policies may no longer be based on good science," he said.

Sen. Max Baucus, Montana Democrat and chairman of the Senate Environment Committee, and Rep. Bruce Vento, Minnesota Democrat and chairman of the House Natural Resources public lands subcommittee, also have urged that the forest chief's job not be made a political appointment.

The Forest Service, an agency within the Agriculture Department, manages 156 national forests and 19 national grasslands covering 191 million acres in 44 states.

Mr. CRAIG. Madam President, about 2 weeks ago, when the Secretary of Agriculture was here on the Hill talking about agriculture reorganization before our Agriculture subcommittee, serving as the ranking Republican on the Forestry Subcommittee I asked him about the reorganization of the Forest Service. At that time, he had no particular plans except to say, and I agree, that probably some reorganization was in hand. But at that time, he said it also needed new leadership and he planned to get a new Chief.

Now that is the first time, I am told, that the current Chief of the Forest Service knew that he was going to be replaced. There had been lots of rumors and I think we all expected that. And I, in my letter this week, clearly recognized the right of this President to appoint a new Chief and certainly the right of the Secretary to make those necessary recommendations.

But before a Senate hearing, for this Chief to find out for the first time—not the courtesy of a letter or a call to the office, a sit-down, a look-in-the-eye and to say, "Dale Robertson, Chief, you have served us well, but we are going to move you on in the senior executive service and put someone in your place." That was not done.

So, Secretary Espy, please take heed. Take heed of the myriad of records that both you and the Assistant Secretary, Jim Lyons, have received. Please read the fine print in the letter that was sent to you last week by myself and three other Senators.

The Forest Service is a very big and important agency to our country, managing over 100 million acres of extremely valuable public resource. We want the very best; we want professionalism; and we want that kind of talent to be able to lead the talented men and women who currently serve in the U.S. Forest Service.

If you politicize it, Madam President, you not only risk the demoralizing that will occur, you risk administration after administration following you breaking with the tradition of the past, going with the precedent that I feel you may be establishing in continuing to politicize this very important agency. You destroy the rank, you destroy the esprit de corps and, most assuredly, you destroy the importance of a nonpolitical administrative approach toward handling key and necessary environmental laws that this Congress has passed over the years in the execution and the management of this important country of ours.

Mr. Secretary, I hope you are listening today. If you are not, I hope you read the letters that are pouring in to you and your Assistant Secretary's desks. I hope you do not make the decision to make a political appointment to the Chief of the U.S. Forest Service. You will destroy an agency that does not deserve to be destroyed.

I yield back the remainder of my time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, parliamentary inquiry, is the unemployment insurance extension bill now the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senator from North Dakota, Senator DORGAN, be recognized to address the Senate for 5 minutes, as if in morning business; that upon the completion of his remarks, the Senator from Oregon, Senator PACKWOOD be recognized to address the Senate for 5 minutes, as if in morning business; and that, upon the completion of Senator PACKWOOD's remarks, the Senator from Texas, Senator HUTCHISON, be recognized to offer an amendment to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleagues.

The Senator from North Dakota.

THE CRIME BILL

Mr. DORGAN. Madam President, a week and a half ago, I spoke on the floor of the Senate about crime legislation that will soon be debated. The crime bill is coming from the Senate Judiciary Committee. Let me pay tribute to the chairman of the that committee, Senator JOE BIDEN, and the committee staff. I think they have done an extraordinary job in putting together this crime bill. I have been working with them on a number of amendments. They have been cooperative, and I look forward to this bill being debated on the floor.

When I spoke to the Senate a week and a half ago, I displayed a copy of the front page of the Washington Post where there was a picture of a 4-year-old child named Launice Smith. Launice Smith had been playing on a playground here in Washington, DC, and while playing had been shot in the head. Sadly, Launice Smith died the next day.

I also mentioned a woman in North Dakota named Donna Martz, a 59-year-old grandmother, from Rock Lake, ND, had been abducted on a quiet Sunday morning in Bismarck, ND, while she was preparing to take the 3-hour car drive back to Rock Lake. Tragically, Donna Martz' body was found far from Bismarck, ND. She was found in the desert in Arizona, murdered—as was 4-year-old Launice Smith—by people known to the criminal justice system.

These are real people, Donna Martz, a wonderful grandmother, and Launice Smith, a 4-year-old playing on a playground here in Washington, DC.

These murders are not an urban problem. It is a problem across this country, both urban and rural. It is not a problem that respects age limits. Young and old are victimized by this epidemic of violent crime.

Every day in this country there are 67 murders, 292 rapes, and 8,650 burglaries. Per capita, we have 10 times the number of murders of Japan or France. Not double, triple, or quadruple—we have 10 times more murders in this country than in Japan or France, 13 times the number of homicides than England; 5 times the number of homicides than our neighbor to the north, Canada.

And yet, the average sentence in prison for a murderer who is convicted and goes to prison is—guess what—7 years. The average murderer's sentence is 7 years behind bars.

My point is, we know who is committing these violent crimes. They are not strangers to the system. For example, Michael Jordan's father was allegedly killed by two men who had been in the criminal justice system and had been let out.

Or take the latest German tourist killed in Florida. We knew who the alleged killer was; she had been in the criminal justice system less than a week before, only to be let out through the greased revolving doors of that system.

Or take Patricia Lexie. She and her husband driving home one evening on the interstate here in Washington, DC, had the misfortune of driving next to a man who "felt like killing someone." He had been charged just a week previous to that with shooting someone else. But he was on bail, and was able to shoot Patricia Lexie in the head.

The point I am making is this: We know who is perpetrating these crimes. The crime bill should put the people that are committing these violent crimes in jail and keep them there.

I propose four steps to do that. First of all, we do not have enough jail space. We have a million people in prison in this country but 51 percent are nonviolent. What we ought to do is take some of the 100 abandoned military installations and incarcerate nonviolent prisoners in them. This would be much less expensive, and would open up prison cells for tens of thousands of violent criminals.

Next we ought to eliminate good-time credit. When we put violent people in jail, let us keep them in jail for their entire sentence. We ought not have good-time credit to turn people out of jail before the end of their term.

Third, we ought to, in every sentencing hearing and parole hearing, allow the victim or the victim's family to testify. The accused is going to have a minister, or a priest, or a Boy Scout leader, or his family, all tearfully talking about what a wonderful person the accused is. I want the victim to have rights to testify in every sentencing hearing and every parole hearing in the country.

Finally, I want sentencing reports across this country for all judges in criminal trials. Americans deserve to know the sentencing practice of American judges.

All I am asking is this: Let us protect innocent people by putting people who commit violent crimes in jail and keep them there. There is no excuse to continue the system the way it is today. Eight percent of the criminals in this country are committing two-thirds of all the violent acts. What we ought to do is put them in jail and keep them in jail.

Those are the amendments I intend to offer to the crime bill.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired. The Senator from Oregon is recognized.

THE ETHICS COMMITTEE

Mr. PACKWOOD. Madam President, I wish to speak not only on the unemployment bill or in response to Senator BUMPERS, but on a matter involving the Ethics Committee and the issue that is before them involving my conduct. I want to refer very specifically to a small portion of it.

I keep a diary, a personal diary that is now about 8,200 single-spaced pages long. I dictate it normally every morning between 6:15 and 6:30 or a quarter of 7. It is the happenings of the day before. In it are the hopes and the dreams and the despairs of all of us: Family problems; in it are negotiations with Chairman ROSTENKOWSKI over the tax reform bill; in it are meetings with President Nixon involving Watergate; in it meetings with President Nixon and myself involving Clement Haynsworth; and Jimmy Carter's briefing on Desert One. It is all there. Except for family matters and privileged matters, the Ethics Committee wants to subpoena the entire diary and look at it all.

Three days ago my lawyer put out a statement indicating some of the things that were in the diary, including an extended affair that one Senator had with a member of his staff; including an affair that a staffer had with a member of the current congressional Democratic leadership.

But I want to emphasize something, Madam President. These were not threats by my lawyer. This was not so-called gray mail—that if my diary is subpoenaed, I will tell these things. These were things that the Ethics Committee has seen in the diary and demanded that we produce.

In the case of the Democratic congressional leadership, we had covered over his name with a piece of paper and the Ethics Committee was told it was a Democratic House leader, and has nevertheless demanded that we produce that page in the diary. Every single thing that my attorney said would be produced has already been demanded by the Ethics Committee to be produced.

This diary I have kept for 25 years. As I say, it is in excess of 8,000 pages long now, and the secrets in that diary

are safe with me. It is willed to the Oregon Historical Society. It is not to be revealed until years after my death. I have no intention of ever using this for blackmail, gray mail, or anything else. But I want the Senate to clearly understand that it is the Ethics Committee that has demanded the production of the pages of the diary upon which is contained the information to which my lawyer made reference.

This was not a threat by us. This was not some statement that if we must produce, these are the things it will show. It was designed to show what the Ethics Committee has already demanded we produce that we think is totally unrelated to any of the charges against me.

We are perfectly willing to reveal everything in the diary that has any material reference at all to the charges. We do not think it fair, and we think it is probably unconstitutional, that I be required to reveal, from a personal diary, incidents of any kind that are totally unrelated in any way, shape, or form to any charge that is currently against me.

I thank the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Under the previous order the Senator from Texas was to be recognized to offer her amendment to the pending bill. I believe she is on her way to the floor now.

I yield the floor.

UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1081

(Purpose: To repeal the retroactive application of the income, estate, and gift tax rates made by the Budget Reconciliation Act and reduce administrative expenses for agencies by $3,000,000,000 for each of the fiscal years 1994, 1995, and 1996)

Mrs. HUTCHISON. Madam President, as you may recall, last summer Senator MCCAIN raised a constitutional point of order against the retroactive tax rate increases in the budget reconciliation bill. A majority of Senators voted against that point of order, and now some of those Senators oppose this amendment to repeal those retroactive taxes. Apparently, they believe that it is constitutional for Congress to impose retroactive taxes but that it is unconstitutional for Congress to repeal them.

Ralph Waldo Emerson once said, "A foolish consistency is the hobgoblin of little minds."

Well, it is hobgoblin season, and it is time for a little consistency. I cannot explain a vote for retroactive taxes on a point of order back home without the question coming back, "But, do we still have to pay the taxes?" Each of my constituents knows that what matters here in Washington is not voting on this motion or that motion, but what does the vote mean? Does it mean we have to pay taxes from before the bill was passed?

When we vote on this motion, I want every Senator to consider that we are not voting on a point of order. We are voting on jobs. The Joint Committee on Taxation estimates that out of the 1.1 million taxpayers who are affected by retroactive taxes, 675,000 run small businesses. To these 675,000 small businesses and their millions of employees, a vote against our amendment simply says that you believe protecting Federal agencies' printing and travel budgets from a 2 percent or 3 percent cut is more important than sparing small business from the unfair burden of a huge retroactive tax bite.

I want every Senator to consider, too, that by not allowing an up-or-down vote on repealing retroactive taxes on small businesses, the Senate will guarantee that more Americans could be laid off and forced onto unemployment compensation; that fewer unemployed Americans will be able to secure jobs with the sector of our economy that accounts for two-thirds of all new jobs—small businesses. We will not save any money by making that happen. But we will guarantee one thing. We will guarantee that we will be back here soon trying to use a Band-Aid sized handout to help the unemployed.

If we want a real solution to our unemployment problem, we have to look for a long-term solution. That long-term solution is in our power. All we have to do is get out of the way, and allow our businesses to do what they do best without Government interference. American workers are the most productive, the hardest working, the best educated and the most resourceful in the world. If we can keep the ability to invest in the hands of our business men and women, we can harness this productivity and create jobs, exports, and economic growth. That is why Senator SHELBY and I are offering an amendment today to repeal the retroactive individual income tax rate increases of the Budget Reconciliation Act.

The act raised the taxes on the income of the 675,000 small businesses that employ American workers. These businesses are the sole proprietorships, partnerships, and subchapter S corporations, that all file their taxes as individuals. These are the businesses that are unemployed workers' best hope for new jobs. These businesses may be the first to have to lay off workers because they must pay retroactive taxes for the income they earned earlier this year but for which they did not set aside funds.

We have heard today of the urgency of the emergency unemployment insurance benefits extension bill. We have also heard from the Department of Labor, which informs us that 62,000 individuals will exhaust their regular State unemployment insurance benefits. In making my remarks today, those people are foremost in my mind. This is because I do not believe that we can change the plight of those unemployed if we just hand out Government benefits. We have State unemployment benefits. We have Federal unemployment benefits. We have Federal unemployment benefit funding, and 2 years ago we added the emergency unemployment compensation program. But, Madam President, we still have unemployed workers.

Unemployed workers need a helping hand, not just a handout. We can help them find work by helping employers hire them. But 2 months ago, Congress hurt American small business—the creators of most new jobs—by enacting a retroactive tax increase that will force small business to send their profits to Washington rather than investing the profits in business expansions that will create new jobs.

Our amendment also repeals the retroactive estate and gift tax, surely the greatest example of taxation without representation in the history of our Republic. This is a matter of equity. In many cases, the estates have already been closed. Now we are changing the rules on people who have lost their loved ones this year. The Supreme Court has recognized that at some point, a retroactive imposition of taxes may be so harsh and oppressive as to be unconstitutional and will shortly hear a case on retroactive estate taxes.

There is another category of people who really got hit this year with this retroactive tax increase. Someone came up to me at an event in Texas. It was a person who retired this year and got his retirement benefits in a lump sum from his corporation. Can you imagine the tax hit on a person who has retired this year and a lump-sum payment that he has worked years and years and years to have, and then have the new higher tax rate increase the tax on that lump sum?

Many Senators may think that this issue is over; that we debated the budget reconciliation bill last summer. But this issue is far from over outside the beltway. In little towns across America, from now until next April 15, businessmen and women on farms and feed lots, in restaurants and grocery stores, in hardware stores and car dealerships are trying to figure out how they are going to pay their back taxes to keep their businesses going. Some may say that is far-fetched, that we can raise taxes retroactively without hurting small business, but we know better and we have proof.

In 1990, Congress imposed a luxury tax on new boats and, sure enough, rich people stopped buying new boats and

boatbuilders laid off workers from Maine to San Diego. The tax did not hurt the wealthy. They just bought used boats or they kept their old ones. It hurt the workers. So this year with one hand, we repealed the boat tax, but with the other hand, we raised taxes on many of the small businesses all over America. Let us learn a lesson from the boat tax. Let us repeal the retroactive taxes now so that we do not have to pay more unemployment compensation in the future to more displaced workers.

We also heard last summer from some Senators that the people affected by this retroactive tax knew it was coming. Why would they know? People were told as late as June by Senators on the conference committee that the taxes on individuals would not be retroactive. And do not forget, that with only a one-vote margin in each House, it was possible that the bill would not pass. Congress' intention at any one moment is not law. Until that moment when President Clinton found the very last vote he needed, it was still the taxpayers' money, not Congress' money, not the Internal Revenue Service's, but the taxpayers'.

In order to pay for the revenue loss from repealing the retroactive taxes, our amendment includes cuts in Federal administrative spending. The amendment cuts Federal administrative spending by $3 billion for each of the next 3 years, not by cutting muscle and fiber, but by trimming away some of the fat in the Federal Government. When a business or a corporation or a household encounters financial trouble, the first thing they do is cut overhead. That is all our legislation would do: cut Federal Government overhead in order to repeal the unfair new taxes and to reduce the deficit.

We do not cut programs, just administrative costs: printing costs, stenographic costs, travel expenses, moving expenses, consultant fees and rental payments. The agency head will have the discretion on where to make the 2 to 5 percent cut in overhead for his or her agency. Most of the households and small businesses in America have cut their budgets a lot more than 5 percent in recent years, and I think Government can do the same.

Our spending cuts will not harm national security, nor will they subtract one penny from Social Security payments or cut Medicaid payments to people who need them. They will not cut needed research. The spending cuts will not reduce Federal support for agriculture or for small business creation or for the export of American goods. They will not slow the delivery of the mail.

In short, the spending cuts we propose will not harm the American people, but they will force Government to live within its means with very modest cuts. Most important is that our amendment reduces the budget resolution spending caps. This will lock in savings from cutting administrative expenses over the next 5 years. With a multitrillion dollar national debt, I think we must prioritize spending now.

Before closing, Madam President, I would like to note for the record that it was incorrect to characterize the objection to proceeding to the emergency unemployment benefits extension bill by unanimous consent last Thursday as a filibuster. After weeks of consideration by the House Ways and Means Committee and on the House floor, the bill was brought to the floor of the Senate for expedited passage without floor debate or hearings by the Finance Committee. I was ready to proceed with no more than 5 minutes' notice to offer my amendment last Thursday. I made every attempt to make my intentions known, but I was not given an opportunity to offer my amendment. Instead, a cloture motion was filed.

At that time, the House had delayed the bill for weeks, but the Senate had not delayed the bill for even a few minutes. At that time, the Senate had not even considered the bill, and as soon as the Senate was given the opportunity to consider it, a cloture motion was filed when Senator DOMENICI objected in order to preserve my right to offer this amendment.

That was not a filibuster, Madam President, it was not a strike; it was a lockout. The Senate is not a rubberstamp house of lords that merely approves House bills. It is an independent legislative body that has the duty to consider the merits of legislation and amend legislation if it sees fit.

Following the contentious debate in the House over this bill where the rule for its first consideration was, in fact, defeated, it was reasonable to expect that the Senate would also need time to consider the bill. That was the purpose of the objection, to preserve the opportunity for floor consideration of my amendment, which I believe will benefit the unemployed by enabling employers to hire them into long-term jobs. The objection was not made to prevent the bill from passing. It was made to prevent the House bill from passing by unanimous consent without consideration by the Senate.

We can repeal unfair retroactive taxes. We can help the unemployed, and we can cut wasteful spending. I urge you and all of my colleagues to have faith in American business and American workers and vote to repeal retroactive taxes today.

Madam President, I ask unanimous consent that editorials from the San Antonio Express-News and the Houston Chronicle, in support of my amendment, be printed in the RECORD.

I further ask unanimous consent that letters from Citizens Government Waste, Citizens for a Sound Economy, the National Association of Wholesaler-Distributors, the National Federation of Independent Business, the National Retail Federation, the National Taxpayers Union and the National Tax Limitation Committee in support of repealing the retroactive tax rate increases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, October 18, 1993.

DEAR SENATOR: On behalf of the 550,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing in support of the Hutchison/Shelby amendment to the Emergency Unemployment Insurance Extension bill which repeals the retroactive individual income, estate, and gift tax rate increases enacted by the 1993 Omnibus Budget Reconciliation Act.

As you know, the tax increases were advertised as an assault on the rich, but the burden of the tax increase falls disproportionately on sole proprietors, partnerships, and subchapter S corporations. Some of these tax increases are retroactive to January 1, 1993. Congress also voted to enact some spending cuts, but left the task of implementing most of these cuts to future Congresses.

The Hutchison/Shelby amendment eliminates the retroactive income tax increase by using a blended tax rate for all of 1993 and eliminates the retroactivity of the estate and gift tax rate increases by changing their effective date to August 10, 1993. To assure that the deficit does not increase as a result of this proposal, it cuts administrative expenses by $3 billion annually over the next three years, for a total five-year savings to $36 billion.

We strongly urge you to support this amendment. There is no time to waste. It will be hard to repeal retroactivity on April 15, 1994. The Hutchison/Shelby amendment will eliminate much of the undue and unfair burden placed on taxpayers by the reconciliation bill. CCAGW will consider this vote in calculating its 1994 Congressional ratings.

Sincerely,

TOM SCHATZ.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, October 19, 1993.

DEAR SENATOR: On behalf of Citizens for a Sound Economy's (CSE) 250,000 members, I urge you to support efforts by Sens. Shelby, Hutchison, and Nickles to repeal the retroactive tax rate increases enacted in the 1993 Omnibus Budget Reconciliation Act and to prohibit future retroactive tax rate increases. Votes on both of these issues could occur this week.

It has been CSE's view that excessive government spending, not a shortfall of revenue, is responsible for the federal budget deficit. The imposition of retroactive taxes slows economic growth by increasing the tax burden and avoiding the fundamental need to curb federal spending. At the same time, retroactive rate increases impose significant costs on the individuals and businesses that are finding it increasingly difficult to plan for the future with any certainty.

Putting an end to retroactive tax increases would benefit taxpayers and would redirect the fiscal debate towards the central problem: inordinate government spending. Please vote for the Hutchison-Shelby amendment to repeal the recently passed retroactive taxes

and the Nickles-Shelby amendment to prevent future retroactive rate increases.

Sincerely,

MICHELE ISELE,
Vice President for Government Affairs.

NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS,
Washington, DC, October 13, 1993.

Hon. RICHARD C. SHELBY,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR SHELBY: On behalf of the 45,000 companies represented by the National Association of Wholesaler-Distributors (NAW), their employees and families, we congratulate you on the introduction of S. 1524, your bipartisan legislation repealing the retroactive application of certain tax rate increases contained in the Omnibus Budget Reconciliation Act of 1993.

Many NAW members are Subchapter S corporations which pay taxes as individuals and will bear the brunt of the recently passed retroactive tax increases. Indeed, NAW has maintained from the outset that retroactive tax increases perpetrate an egregious wrong upon those struggling to build businesses, support their families and create new jobs. Your approach to this issue, especially with its reasonable and incremental offset provisions, is the right one; and we look forward to it becoming law.

To that end, NAW stands ready to assist you in every way possible to advance S. 1524 in the legislative process.

Congratulations again, Senator, for offering the right remedy for this fiscal wrong. We look forward to working with you.

Again, our thanks and very best regards.

Cordially,

DIRK VAN DONGEN,
President.

ALAN M. KRANOWITZ,
Senior Vice President-Government Relations.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, October 13, 1993.

Hon. RICHARD SHELBY,
U.S. Senate, Washington, DC.

DEAR SENATOR SHELBY: On behalf of the over 600,000 members of the National Federation of Independent Business (NFIB), I commend you for your efforts to change Senate rules to create a point of order against retroactive tax increases. This change in the rules would ensure that the Senate has an opportunity to think twice before increasing taxpayers' obligations retroactively.

Small business owners feel particularly threatened by retroactive tax increases. Since many of them pay their taxes on a quarterly basis, they have to come up with the additional tax dollars long before most other taxpayers.

In addition, retroactive tax increases violate a fundamental rule of fairness. Americans should not have to pay additional taxes on money that has already been earned, money that has already been taxed. Taxpayers should not be surprised by federal taxes. They should feel some sense of confidence that once the federal government has taken a bite out of their paycheck it will not take another.

Again, I thank you for trying to protect taxpayers from paying retroactive taxes. I urge all your colleagues to support your effort.

Sincerely,

JOHN J. MOTLEY III,
Vice President, Federal Governmental Relations.

NATIONAL RETAIL FEDERATION,
Washington, DC, October 13, 1993.

Hon. ROBERT F. BENNETT,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BENNETT: On behalf of the National Retail Federation, I am writing to express the Federation's support for efforts that may soon be considered by the Senate to address unfair retroactive tax increases.

Retroactive tax rate increases, like those included in the Omnibus Budget Reconciliation of 1993, unfairly penalize taxpayers for lawful actions taken in the past. In addition to unfairly increasing the tax payments of corporations and certain individuals, the recently enacted retroactive individual rate increases adversely impact businesses that operate as sole proprietors, partnerships or S corporations.

Since the enactment of the omnibus Reconciliation Act of 1993, numerous legislative measures in both the Senate and House have been introduced which address retroactive tax increases. The Federation supports these efforts and encourages you to acknowledge the inherent inequity of retroactive tax increases by cosponsoring and voting for such measures.

By way of background, the National Retail Federation is the nation's largest trade group which speaks for the retail industry. The organization represents the entire spectrum of retailing, including the nation's leading department, chain, discount, specialty and independent stores, several dozen national retail associations and all 50 state retail associations. The Federation's membership represents an industry that encompasses over 1.3 million U.S. retail establishments, employs nearly 20 million people and registered sales in excess of $1.9 trillion in 1992.

Sincerely,

TRACY MULLIN.

NATIONAL TAXPAYERS UNION,
Washington, DC, October 5, 1993.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUTCHISON: The National Taxpayers Union (NTU), America's largest taxpayer organization, is pleased to endorse your proposed legislation to repeal the retroactive income, estate, and gift tax increases which were enacted as part of the 1993 Budget Reconciliation Act.

We commend you and Senator Richard Shelby, your lead cosponsor, for taking the initiative to repeal the unfair and, in some cases, unconstitutional tax rate increases that have been applied retroactively. To enact an effective date retroactive to January 1, 1993, before President Clinton and the 103rd Congress took office, is obviously wrong. Taxpayers are outraged and your proposed repeal will certainly be well received across America.

We also appreciate your thorough effort to offset the estimated revenue loss which would result from repeal by reducing federal administrative expenses by $10.5 billion. As you know, increased taxes have never provided deficit reduction. That will only be achieved by additional restraint in the growth of federal spending.

Again, the National Taxpayers Union is pleased to endorse your proposed legislation and to urge your Senate colleagues to join with you in working for its passage.

Sincerely,

AL CORS, Jr.,
Director, Government Relations.

THE NATIONAL TAX-LIMITATION COMMITTEE,
Roseville, CA, October 14, 1993.

Hon. DON NICKLES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR DON: You and Senators Hutchison and Shelby are to be congratulated for your tireless leadership on behalf of America's beleaguered taxpayers.

We join in endorsing S. 1524 to repeal the retroactive income, estate and gift tax rate increases included in the 1993 Budget Reconciliation Act. We enthusiastically support your strategy of offering this measure as an amendment to the unemployment compensation extension bill. We simply must not allow retroactivity to remain as an instrument of tax policy.

Kindest regards,

LEWIS K. UHLER.

[From the Houston Chronicle, Oct. 12, 1993]

TAX FAIRNESS

When the Clinton tax/budget plan was approved by Congress last summer, there were numerous vows to seek an early repeal of one of its worst features: making income tax increases retroactive to the first of the year.

Kay Bailey Hutchison, Texas' junior U.S. senator, has made good on her own pledge to do so. Hutchison has introduced a bill that would repeal the retroactive feature of President Clinton's plan without increasing the federal budget deficit. This is a well-reasoned effort worthy of the strong bipartisan support it is receiving in the Senate.

The administration's scheme to make taxes retroactive for some Americans is an affront to simple fairness. The president's argument that it is somehow all right to do so because it would only affect "rich people"—individuals with taxable incomes over $115,000 and couples with taxable incomes of at least $140,000—is an appeal to the politics of envy. It is a deliberate strategy to divide Americans along class and economic lines. It is also wrong in its implication that only the rich would be affected. This strategy would play havoc with owners of small businesses, those responsible for the lion's share of the growth and job creation in the nation's economy.

Hutchison's approach seems a sensible way to return to tax fairness.

[From the San Antonio Express News, Oct. 12, 1993]

RETROACTIVE TAXES SHOULD BE KILLED

Two Texans are heading up a coalition in Congress to repeal the Clinton administration's retroactive taxes on the rich and the dead.

Sen. Kay Bailey Hutchison and Rep. Lamar Smith are working with Republicans and conservative Democrats. Hutchison and Smith have introduced companion bills in both houses.

One of the most onerous provisions of the deficit-reduction plan approved by Congress in August levies taxes retroactive to Jan. 1 on people making hundreds of thousands of dollars and on the estates of people who have died since then.

Such retroactivity and erratic tax incentive policy contribute to economic uncertainty, with investors wary of programs.

The budget blueprint signed by President Clinton on Aug. 10 would raise about $240 billion in new taxes over five years.

The Hutchison-Smith bills would make the tax increases take effect Aug. 10 instead of Jan. 1. Hutchison has 21 other Senators

backing the measure, and Smith has co-sponsors in the House.

Over five years, the legislation would cost the government about $10.5 billion in lost revenues. The losses would be offset by cuts in government overhead spending by $3 billion a year for three years.

"This is the perfect lever to force the Clinton administration to pursue the savings they have identified in Vice President Al Gore's National Performance Review," Smith said.

The Constitution appears to bar retroactive legislation. In Section I, Article 9, it says no "ex post facto law shall be passed."

While people making big bucks will find a way to lower their taxable incomes to soften the retroactive blow, the dead and their inheritors have no such options.

If this retroactivity stands, there appears to be nothing to keep the next tax hike being made retroactive for two or three years and applying to everyone.

Write your member of Congress and urge repeal of these unfair taxes.

Mrs. HUTCHISON. Madam President, I submit an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report. The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. SHELBY, Mr. NICKLES, Mr. BENNETT, Mr. BURNS, Mr. COATS, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOLE, Mr. FAIRCLOTH, Mr. GRAMM, Mr. HATCH, Mr. HELMS, Mr. KEMPTHORNE, Mr. KOHL, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, and Mr. BROWN, proposes an amendment numbered 1081.

Mr. MITCHELL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . REPEAL OF RETROACTIVE APPLICATION OF INCOME, ESTATE, AND GIFT TAX RATE INCREASE.

(a) INCOME TAX RATES.—

(1) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new subsection:

"(1) SPECIAL RULES FOR TAXABLE YEARS BEGINNING IN 1993.—In the case of taxable years beginning in calendar year 1993, each of the tables contained in subsections (a), (b), (c), (d), and (e) shall be applied—

"(i) by substituting '32.97 percent' for '36 percent',

"(2) by substituting '34.39 percent' for '39.6 percent', and

"(3) by substituting for the dollar amount of tax in the last rate bracket the dollar amount determined under such table by making the substitution described in paragraph (1).".

(2) CONFORMING AMENDMENTS.—

(A) Sections 531 and 541 of the Internal Revenue Code of 1986 are each amended by inserting "(34.39 percent in the case of taxable years beginning in calendar year 1993)" after "39.6 percent".

(B) Paragraph (1) of section 55(b) of such Code is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULES FOR 1993.—In the case of any taxable year beginning in the calendar year 1993, subparagraph (A)(i) shall be applied by substituting—

"(i) '24.79 percent' for '26 percent' in subclause (I), and

"(ii) '25.58 percent' for '28 percent' in subclause (II)."

(C) Section 13201 of the Omnibus Budget Reconciliation Act of 1993 is amended by striking subsection (d).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1992.

(b) ESTATE AND GIFT TAX RATES.—

(1) IN GENERAL.—Subsection (c) of section 13208 of the Omnibus Budget Reconciliation Act of 1993 is amended by striking "December 31, 1992" and inserting "August 10, 1993".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Omnibus Budget Reconciliation Act of 1993.

SEC. . REDUCTION IN ADMINISTRATIVE EXPENSES.

(a) BUDGET OBLIGATIONS.—

(1) IN GENERAL—The amount obligated by all departments and agencies for expenses during fiscal years 1994, 1995, and 1996, shall be reduced by an amount sufficient to result in a reduction of $3,000,000,000 in outlays for expenses during each of the fiscal years 1994, 1995, and 1996. The Director of the Office of Management and Budget shall establish obligation limits for each agency and department in order to carry out the provisions of this section.

(2) DISCRETIONARY SPENDING LIMITS.—The discretionary spending limits for fiscal years 1994 through 1998 set forth in section 601(a)(2) of the Congressional Budget Act of 1974 shall each be reduced by $3,000,000,000 in fiscal year 1994, $6,000,000,000 in fiscal year 1995, and $9,000,000,000 in each of the fiscal years 1996, 1997, and 1998.

(3) NO NEGATION OF GENERAL AUTHORITY OF DEPARTMENT HEAD WITHOUT SPECIFIC REFERENCE.—Notwithstanding any other provision of this Act or any other Act (regardless of its date of enactment) that purports to direct the head of a department or agency to obligate an amount for salaries and expenses for the purpose of obtaining a particular service or good or to prohibit the head of a department or agency from obligating such an amount for any particular service or good, that law shall not be construed to impair or otherwise affect the duty and the discretion of the head of a department or agency to make determinations concerning which particular services of persons and which particular goods will be obligated for in the best interest of performing all of the duties assigned to the department or agency, unless that provision—

(A) makes specific reference to this paragraph; and

(B) states that it is the intent of Congress in that provision to negate the duty and discretion of the head of that department or agency so to make such determinations.

(c) DEFINITION.—For purposes of this section the term "expenses" means the object classes identified by the Office of Management and Budget in Object Classes 21–26 as follows:

(1) 21.0: Travel and Transportation of Persons.

(2) 22.0: Transportation of Things.

(3) 23.2: Rental Payments to Others.

(4) 23.3: Communications, Utilities, and Misc.

(5) 24.0: Printing and Reproduction.

(6) 25.1: Consulting Services.

(7) 25.2: Other Services.

(8) 26.0: Supplies and Materials.

Such term shall not include the expenses of the Department of Defense.

Mr. MITCHELL. Madam President, the adoption and enactment into law of the pending amendment from the Senator from Texas would reduce revenues by $10.5 billion over the 5-year period of fiscal years 1994 through 1998. The amendment would thus increase by $10.5 billion the amount by which revenues will be below the appropriate level of total revenues set forth for those fiscal years in the budget resolution. Consequently, the amendment violates section 311(a)(2) of the Congressional Budget Act of 1974. As Senators know, it takes 60 Senators to waive section 311(a). Madam President, I raise a point of order that the pending Hutchison amendment violates section 311(a)(2) of the Congressional Budget Act of 1974.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I move to waive the provisions of the Congressional Budget Act for the consideration of this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senate majority leader.

Mr. MITCHELL. Madam President, I encourage all Senators not to vote to waive the Budget Act and to cause this amendment not to be enacted.

This is a spoiler amendment. This amendment offered to this bill cannot become law even if 100 Senators voted for it but can kill the unemployment extension bill which is plainly what is going on here. This is an effort to kill the unemployment bill by the device of offering to it an amendment which, if adopted, cannot become law and kills the bill.

Let me explain why. The Constitution provides that only the House of Representatives can initiate tax legislation. The Senate has no legal authority to initiate a tax bill, none whatsoever. If this Senate passes a tax bill or a bill including a tax amendment, that legislation will not be taken up by the House of Representatives. Two hundred years of precedence and action makes it absolutely clear, beyond any doubt, that an attempt by the Senate to circumvent the constitutionally provided right of only the House to initiate tax legislation means the death of the legislation.

The underlying unemployment insurance bill now pending before the Senate is not a tax bill. The addition of this amendment to that bill would

transform it into a tax bill because this is a tax amendment, and therefore two things will occur. This amendment will not become law, because the bill to which it is attached will be killed, and the extension of unemployment insurance benefits will be dead.

So every Senator should understand that all they are being asked to do here is to make a statement about the tax provision and in the process of making that statement kill the unemployment insurance bill. That means an estimated 1 million Americans whose unemployment insurance benefits will expire between October 2 and the time when this bill expires early next year will be denied unemployment insurance benefits, and for what? To make a statement for the wealthiest 1 million Americans in this country, because the only people who would benefit from this amendment, if it were to become law, are the wealthiest 1 million Americans.

What an incredible irony, what a bitter irony, to kill a bill to provide unemployment insurance to a million Americans in order to make a statement in behalf of the 1 million wealthiest Americans. I think a worse choice could hardly be made.

Let us be clear. The so-called retroactive tax provisions to which my colleague has referred apply only to those persons who have family income, filing jointly, of $200,000 a year and above. That is about 1 percent of all American taxpayers—$200,000 a year and above. Those are the only people who are going to be benefited.

Do not, Senators, be misled by the language used here: Small businesses, people on farms and feedlots and restaurants and grocery stores. This amendment is intended to benefit only the 1 percent of Americans whose incomes exceed $200,000 a year.

I do not know about farms and feedlots and restaurants and grocery stores elsewhere, but I can say to you up in Maine there are not too many of them.

The amendment will have the effect of killing unemployment insurance benefits for a million Americans who have lost their jobs through no fault of their own, who have to have a work history to be eligible for unemployment insurance, and who are seeking now to find other employment.

To use this vehicle to do it, I submit, is a truly incredible and a bitter irony.

Let me address some of the specific points made. Small business. Boy, have we heard that a lot in this tax debate. But the tax increases passed do not relate to the size of business; they relate to the size of income. If a family has gross income in excess of $200,000 a year, they pay a higher tax, and it does not make any difference what size their business is. In fact, according to the Treasury Department, only 4 percent of small businessmen in America have incomes in excess of $200,000 a year, gross incomes per family—only 4 percent—and yet the word "small business" is bandied about here as though it applies to everybody subject to this tax.

If the President of General Motors had an income of less than $200,000 a year, gross income, family filing return, he would not have to pay any additional tax. On the other hand, if the President of the smallest company in America had an income of $300,000 a year, he would have to pay a higher tax.

Despite the rhetoric, the fact of the matter is the increases in taxes are based not on the size of a business but on the size of income. In fact, the tax bill that passed benefited most small businesses, benefited many more small businesses than those which are subject to the higher tax because it increased the so-called expensing provision, the amount that could be deducted by a business for the purchase of plant and equipment and other materials.

So the fact is more small businesses benefited from the tax bill than paid a higher tax, and yet this amendment seeks only to benefit the 1 percent of Americans whose incomes exceed that high level. In fact, the average income of persons who will benefit from this amendment is $300,000 a year. All of these tears in the Chamber of the Senate for people whose incomes are an average of $300,000 a year and trying to kill an unemployment insurance bill for a million Americans whose extension of benefits will otherwise not be paid, how can anybody ask to do that? How could anybody do that? And yet that is what the Senate is being asked to do.

Let me comment on the so-called retroactivity.

Most Americans understand retroactivity to mean taxing income that was earned before the law went into effect. The amendment of the Senator from Texas would still tax that income.

The title of the amendment says repeal retroactivity, but the amendment does not repeal retroactivity. It simply applies a lower rate to the income for the same year. So if a person earned $1 million on January 1, 1993, and earned no money thereafter, that income would be subject to tax at the rate provided in the bill, if the amendment is not adopted, and would be subject to tax at the rate provided in the amendment if the amendment is adopted. All it has done is to apply a different, lower, so-called blended rate to try to achieve the desired effect.

No one should be under any illusion that retroactivity is abolished by this amendment. It is not.

Finally, I want to comment on the remarks of the Senator from Texas about the so-called filibuster last week.

I was told directly by the acting Republican leader at the time that the Republican Senators would not permit the Senate to proceed to this bill and would filibuster the bill if necessary. I relied upon that.

I do not know what was the state of mind of the Senator from Texas. I am not privy to her discussions with other Republican Senators. But my filing of the cloture petition was based upon a direct, unequivocal statement by those in the Republican leadership and their staffs that if I attempted to proceed to the bill I would be prevented from doing so under the rules of the Senate by unlimited debate by Senators.

The definition of a filibuster is preventing a measure from coming to a vote by use of the right of unlimited debate. Therefore, I had no choice but to file the motion to end the filibuster. I could, of course, and perhaps I will next time, have kept the Senate in all night Friday, all Saturday, and all Sunday to prove—to see if our Republican colleagues would actually do what I was told they were going to do. But I chose not to impose that inconvenience on the Senate.

So I say that a filibuster is when you try to prevent a vote from occurring. I was told that there would be just that if I attempted to bring this bill up. I relied upon that.

(Mr. MATHEWS assumed the chair.)

Mr. MITCHELL. Mr. President, I want to conclude by repeating, so that every Senator understands what is at issue here. First, this amendment offered to this bill means that even if approved by the Senate, the amendment cannot become law. That is under the Constitution and the practices of the Senate and the House. The Senate has no authority to initiate a tax bill.

The House Ways and Means Committee has already stated by virtue of the provisions in this bill that affect tax receipts, this is not a tax bill, as opposed to other bills which did affect tax receipts in a way that caused it to be a tax bill. Therefore, if any tax amendment is added to this bill, it kills the bill and the amendment goes with it.

So all this is, is a statement. The effect of making that statement in behalf of the 1 million Americans whose gross incomes exceed $200,000 a year—and they are the only beneficiaries of this amendment, they are the only ones that are going to be better off with this amendment—the effect of that is to kill the unemployment insurance bill.

I ask my colleagues, we have a lot of colleagues here who want to make statements in behalf of those who make more than $200,000 a year. They make them all the time. But I wonder if they are prepared to accept as a price of making that statement in this case the fact that they are killing the unemployment insurance bill, because that is going to be the effect. That is

going to be the consequence if this amendment is adopted.

Neither the amendment nor the underlying bill will go anywhere. They will both be dead, and what will the Senate have accomplished? Especially since in the name of repealing retroactivity, they will be adopting an amendment which applies to tax retroactively in a different manner at a different rate.

Mr. President, we face a lot of difficult votes. We face a lot of subjects in which there is a high level of merit on both sides. Senators agonize and think carefully and hard about their course of action. But, for the life of me I cannot see why a single Senator would vote for this amendment in these circumstances.

To say that you, a Member of the Senate, think it is so important to make a statement in behalf of the wealthiest 1 percent of Americans, not provide them with any tangible benefit, because the amendment is not going to become law, but just to make a statement, stand up and show how much compassion and concern you have for those whose incomes exceed $200,000 a year, and at the same time by the very act be killing an unemployment insurance bill for a different 1 million Americans who have lost their jobs and are now about to lose the right to unemployment insurance extension, does any Senator really want to say that?

Does any Senator feel so strongly, so powerful about the need to tell those Americans whose incomes exceed $200,000 a year, that they care about them so much that they are willing to kill unemployment insurance for another 1 million Americans who desperately need it under these circumstances. That is the choice that every Senator will be making.

It is up to each Senator to decide for himself or herself. I hope that each Senator will choose to let this bill proceed and become law.

I hope that each Senator will vote to sustain the point of order and not waive the Budget Act for the purposes of considering and approving this amendment.

It is the right thing to do. It is the decent thing to do. It is the compassionate thing to do. This Senate already spends so much time trying to demonstrate to those whose incomes exceed $200,000 or $300,000 a year how concerned they are for them. Surely there are other ways of doing that. There are other bills on which that can be done. There are other means by which that can be shown. We do not have to pick the one bill that will provide unemployment insurance extension to 1 million people who have lost their jobs through no fault of their own, who have a work history. That is the only way they can qualify for unemployment insurance, who are looking for jobs now. We do not have to pick that program as the vehicle to make this kind of demonstration of concern for those whose incomes exceed $200,000 a year.

Mr. President, I urge my colleagues, I implore my colleagues, let us complete action on this bill. It is already overdue. And then let us make our statements known elsewhere.

Mr. President, I yield the floor.

Mr. BUMPERS. Mr. President, if the Senator will yield for a question. Is it the understanding of the Senator that this money would only be taken out of discretionary spending? It does not touch entitlements, and I note that the Defense Department is specifically exempt. So I assume it is all coming out of discretionary spending; is that correct?

Mr. MITCHELL. I believe that is the case.

Mr. BUMPERS. Does the Senator know offhand how much of that amount is still in the Federal budget, discretionary spending?

Mr. MITCHELL. The total amount to be reduced, discretionary spending limits under this amendment, as I read it, is $36 billion; $3 billion in fiscal 1994, $6 billion in 1995, and $9 billion in each of the fiscal years 1996, 1997, and 1998.

Mr. BUMPERS. Did the Senator note that the Defense Department was exempt from any of these cuts?

Mr. MITCHELL. I am advised that the Defense Department, under the amendment offered by the Senator from Texas, is exempt, and I am not certain whether it is for the entire 5-year period or just for 3 years. Perhaps the Senator from Texas can answer that.

Mr. BUMPERS. I wonder if the Senator from Texas could enlighten us on that.

Mrs. HUTCHISON. Yes, Mr. President. The cuts do exempt the Defense Department. But the categories from which these cuts can come is approximately $150 billion.

Mr. BUMPERS. I did not understand that.

Mrs. HUTCHISON. The question is: Is the Defense Department exempt from these cuts? The answer is yes.

Mr. BUMPERS. Why did the Senator exempt the Defense Department?

Mrs. HUTCHISON. I believe the Defense Department is taking its fair share of cuts right now. They are downsizing, and I think they are doing a very good job of it.

I think what we are looking at here is the discretionary spending. We are talking about maybe 2 to 5 percent of the administrative budget. It is just overhead—travel and travel expenses, movement of things, rental payments, and it is communications and printing, outside contracts.

Mr. BUMPERS. How efficiently does the Senator think NASA is spending its money?

Mrs. HUTCHISON. I think everybody can tighten up 2 to 5 percent. I have done it myself, and I am sure the Senator from Arkansas has. I am sure people all over America think a 2 to 5 percent cut in overhead cost is quite reasonable to create fair tax standards.

Mr. BUMPERS. Well, two things about this amendment trouble me, other than the points the majority leader has made regarding who is going to benefit from this. I do not like retroactive taxes either.

The reason I ask the Senator about NASA is because NASA has a very big presence in her State, and I admire her courage for including that agency. I just wonder if the Senator knew that of the $15.9 billion NASA budget, over $13 billion of it is subject to her amendment. About 90 percent of NASA's budget is going to be subject to being cut by the Senator's amendment. Was the Senator aware of that?

Mrs. HUTCHISON. Absolutely; I think this should be fair. I think it should be across the board. I agree with the Senator from Arkansas on this matter; everybody should step up to the line and be more efficient in order to have fairness in our taxes.

Mr. BUMPERS. Mr. President, the Senator said she thinks the cuts ought to be across the board. That is not what the amendment says. It says the Director of OMB shall have discretion as to where these cuts should be made.

Mrs. HUTCHISON. That is correct.

Mr. BUMPERS. What do you mean by "across the board"?

Mrs. HUTCHISON. It is across the board. I hope the Director of OMB would be fair in his treatment. I think it gives the Director of OMB the right to have a look at the agencies and allocate their fair share, and then the agencies have the total ability, within these categories of the expenditures, to decide what their priorities are. I think that is a very reasonable approach.

Mr. BUMPERS. The Senator from Texas has made two statements here. One, she thought it ought to be across the board and, two, everybody ought to share in it. Yet, she takes away everyone's responsibility except for the Director of OMB. The Director of OMB may happen to like NASA, and he may say, "I am only going to take a little out of NASA, and I am going to take quite a bit out of the budget for education." He may say, "I am going to take quite a bit out of the childhood immunization program." His priorities may be totally different from mine. And I say this: I am certainly not going to vote for an amendment that abdicates all responsibility for the spending cuts to the Director of OMB. He happens to be a good friend of mine; I like him; I just do not want to turn that over to him. I cannot believe the Senator intended, as she talked about across-the-board cuts, to do that.

Mrs. HUTCHISON. Excuse me——

Mr. DORGAN. Will the Senator from Maine yield for a question?

Mr. MITCHELL. I will.

Mr. DORGAN. Before I ask my question, let me point out I spent a year and a half producing a book on Government waste with a task force over in the House of Representatives. A significant part of that report talked about reducing overhead expenditures across the Government. There are $270 billion worth of indirect or overhead expenditures in the Federal Government.

Conceivably, if you reduce that by 10 percent, you can save $27 billion a year. That is pretty difficult to do, but you would have to do it across the board. You would have to do it for the Department of Defense, a big spender, and all of the agencies. But that is not my question.

I think many of us in this body share a concern about retroactive taxes. I served 10 years on the House Ways and Means Committee where all tax legislation originates. I prefer that we never have a tax bill that is retroactive. I prefer that they be prospective. Most of us agree on that.

But the Senate and the House reached a compromise in which some of the deficit reduction bill's taxes were retroactive. The question I ask about the amendment by the Senator from Texas is: I sense that the amendment offered does not repeal retroactive taxability. The amendment reaches back to January 1, with a lower blended rate, and I think I understand why the Senator from Texas does that. I think the blended rate is designed so that at the end of the year you have paid no more than you would have if we had kept the old tax rate for the first part of the year and had imposed the higher tax rate only for the rest of the year.

So the Senator from Texas reaches back to January 1 with a blended rate that is higher than the rate that existed on December 31, 1992. But the first title on this amendment says the "repeal of retroactivity." My question—which is probably better directed to the Senator from Texas, but I ask the Senator from Maine who has the floor—does he have the same understanding as I do, that in fact this says repealing retroactivity, but it does not repeal this year's retroactive application of taxes?

Mr. MITCHELL. Mr. President, that is my understanding. The title begins: "Repeal of retroactive application" of the various taxes. But section (a)(1)(i), at the top of page 2, simply substitutes a lower and different, blended rate than that which is in the bill, a rate which is higher than otherwise would have been the case had the law not been changed this summer, but which has, in effect, a lower blended rate than is in the bill but higher than otherwise implied.

Mr. DORGAN. This amendment reaches back with a composite rate which is higher than that which would have existed in law at that point. Let us say, that someone came into a $2 million sum on January 1; under this amendment, that person would pay a higher tax rate than the pre-existing law would have called for. This amendment, if passed, would not repeal retroactive application. I understand what it would do, but I am saying what it would not do. It would not repeal retroactive application of taxes.

That is the point I was making. I think it is important for everybody to understand what amendments do and what they do not do.

So I appreciate the response of the Senator from Maine. I think the author of the amendment is probably best able to respond to that.

Mr. MITCHELL. Mr. President, I will yield the floor now so the Senator from Texas and other Senators who wish to can address the Senator on the subject.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, it is a retroactive repeal because the effect of the amendment is to make the tax increase take effect August 10 rather than January 1. If you earned something on January 3, it would, of course, be included.

The blended rate was only done to make it easier for people to prepare their tax returns. Rather than have one tax rate before August 10 and one tax rate after August 10, and force taxpayers to close their books for a partial year and apportion their tax deductions, income, and credits, it was suggested by the lawyers at legislative counsel, who are the experts that drafted the bill, that this would be the cleanest way to do it. So for this 1-year period it proposes a blended rate, the effect of which is to have an August 10 effective date, which was the date that the bill was signed.

Mr. DORGAN. Mr. President, if the Senator will yield on that, I spent 10 years on the House Ways and Means Committee writing tax law. The point I am trying to make—and I think the Senator will agree with me—is that the amendment of the Senator from Texas does not truly repeal the retroactivity. If you look back, the Senator's approach will produce the same amount of revenue as if you had the old rate in law up until the date the new rate was passed and the new rate for the rest of the year. For simplicity purposes, the Senator chose to create a blended rate.

My point is that when one does that, one does not repeal the retroactive application of taxes. If someone in January came into some money that person would be taxed at a higher rate under this amendment. The tax on that money that person came into in January is at a higher rate if this amendment passes. This amendment does not repeal retroactivity.

Mrs. HUTCHISON. I would just say in Texas they have a saying that if it walks like a duck and quacks like a duck, we think it is a duck.

I believe that the effect of this bill is to repeal the retroactivity of the tax bill, and I think that is pretty clear. If the Senator differs, then he has to differ.

Mr. DORGAN. Mr. President, if the Senator will further yield, I understand about sayings and I understand about tax law.

The Senator from Texas gets where she wants to get at the end of the year. I give the Senator that. I understand that. My point is you do not do it by completely repealing the higher tax that was imposed retroactively. The Senator's amendment will impose a higher tax retroactively as well.

I understand all about ducks and quacks, and so on. The fact is I want people to understand what we are doing. Either we are going to repeal retroactivity—incidentally, I sympathize. We should never levy taxes retroactively. When we pass a tax law, it ought to be prospective in application. But we also should not pass an amendment that says we are going to repeal retroactivity when it does not.

Mrs. HUTCHISON. I hope that means the Senator is going to vote for the amendment which does have the effect of repealing the retroactivity of the tax bill. I do want to say there were some points that the Senator from Maine made that I do want to answer.

The first point is on the alleged filibuster. I just want to say that what we were objecting to is the Senate taking up this bill without the ability to offer amendments. That was the only purpose of the objection. It was not to filibuster. It was never to filibuster.

In fact, I want this bill to pass. That is one of the reasons why I have chosen this bill, because this is the only vehicle that I have seen that will pass before the end of the year that will correct what I think is an egregious wrong, that is, a retroactive tax increase, and that deals with employment of American workers.

In fact, the Senator from Maine says that the bill that we are passing will be unconstitutional. I just do not think the effect will be unconstitutional because I believe that the House, if we do pass this amendment, will come forward and pass the amendment, as original legislation introduced by Congressmen LAMAR SMITH, RALPH HALL, and BOB INGLIS, and we will be able to work out our differences as our two bodies always do. I think what is unconstitutional is passing an ex post facto law, which is exactly what we did in August of this year. I want this amendment to pass.

Let me say, also, that the Senator from Maine said that it would affect people who make $200,000 a year. It will affect people who are married who make $140,000 a year. So it could be people who make $70,000 a year if they

69-059 O—97 Vol. 139 (Pt. 18) 19

are married, and $115,00 if they are single.

Eighty percent of the businesses in America pay taxes as individuals. They do not pay corporate taxes. The Tax Code taxes a business' profits, not what the owner takes home. So business owners are often taxed on the money they reinvest back into their businesses.

Let me give you an example. A retailer has, for instance, possibly $150,000 in income which would put her in the top 5 percent bracket. But let me tell you what she has to do with that $150,000 in income if she is going to continue to make her business grow. She invests in new plant, and new equipment, such as store displays, computers, security systems, and signs. She also pays down the principal of her business loans; that is very important. I myself have had that experience in a small business. I take my after-tax profits, and I pay down principal on the loan with after-tax profits. That is very important for the stability of a business because it reduces interest expense. But that payment does not come before taxes; that is after taxes. She would hire new workers and train them with that $150,000. Finally, she must purchase new inventory for future sales.

So, my point is, most people who have had the experience of being in a business know that what you are taxed on at the end of the year, which may sound like a lot, such as $115,000 or $140,000, you have to make all of the investments for the business' future out of that amount. Instead of being able to make those investments, however, that small business retailer is going to have to send the money to Washington rather than making the investment in a new employee or a new piece of equipment or purchasing new inventory.

So we are trying to repeal the retroactive tax increases so that our small businesses will be able to grow and expand, because the owners know, as I know, that the economy of this country is not driven by Government spending. The economy of this country is driven by the small business people who invest and create 80 percent of the new jobs. And if Government will get out of the way, they will continue to do that, and our economy will come back.

My amendment will help the unemployed in two ways. We will pass this bill with my amendment and we will help the people who are now unemployed receive assistance. But with my amendment we are also going to help the unemployed who will be able to get new jobs if the businesses that are now looking at as much as a 70 percent increase in their tax rate will be able to keep that money in their businesses, and thus keep more people from going on the unemployment rolls. That is the purpose of our bill.

Mr. President, at this time I would like to yield to the Senator from Georgia, who wants to make remarks on this amendment.

Mr. BUMPERS. Mr. President, a point of order. I have no objection, but she cannot yield to the Senator. The Senator must be recognized in his own right.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise to speak on behalf of the amendment—and I might just say that this whole dilemma that has been described by the Senator from Maine, and others who have spoken, could have been averted very handily if the administration had not brought itself to do that which its own leadership thought it should not do.

The Senate majority leader said, and I quote: "I have long urged that the tax increase not be retroactive and take effect either July 1 or some date around there."

Or, as the chairman of the Finance Committee asked on June 6, on This Week With David Brinkley, "Will the taxes on individuals be retroactive?" He replied, "No."

The whole matter could have been avoided if prudence had been in effect when we were struggling with the tax plan that was ultimately adopted.

I might say, also, that all of the wrangling that we are talking about here with regard to technicalities of the amendment, whether it is a new blended tax or not, or whether it is a title that accurately refers to the Senator from Texas' effort, is frivolous discussion. The point is the Senator from Texas has offered a process by which we can correct a very serious wrong that has been imposed on the people of this country by a retroactive tax.

My heavens, if we start striking down amendments or laws because of the name that is put on them, I do not know that we could have but maybe one in 10 that I have seen this year in the 103d Congress that would survive. The question is whether the retroactive application of taxes that reach even back beyond this administration into a former administration is appropriate or not.

In my pursuit of trying to understand this issue, I have gone back to one of our forefathers, Thomas Jefferson. He has a lot to say about the subject of taxation. I would like to share several of his comments here this afternoon.

On one occasion, he said:

> And this is the tendency of all human governments. A departure from principle in one instance becomes a precedent for a second; that second for a third; and so on, till the bulk of society is reduced to be mere automatons of misery, to have no sensibilities left but for sinning and suffering.

Then begins, indeed,

> * * * which some philosophers observing to be so general in this world, have mistaken it for the natural instead of the abusive state of man. And the fore horse of this frightful team is public debt. Taxation follows that, and in its train wretchedness and oppression.

People in this country, whether they are rich or poor, no matter their circumstance or standing, no matter their status, whether they are dealing with a family or a small or large business, it matters not, they have an inherent right to expect from their Government equal treatment, and they certainly have a right to expect that what is the condition or rule of the land in a given year which they have been instructed they must follow ought to be the case at the end of the year.

Jefferson speaks on this point too on the constitutionality. We are all arguing whether the term ex post facto means criminal law or civil law. He wrote a letter to Issac M'Pherson on August 13, 1813. He had been President for 8 years by that time, and retired and was in Monticello.

He said:

> The sentiment that ex post facto laws are against natural rights, is so strong in the United States, that few, if any, of the State constitutions have failed to proscribe them. The Federal Constitution indeed interdicts them in criminal cases only, but they are equally unjust in civil as in criminal cases, and the omission of a caution which would have been right, does not justify the doing of what is wrong.

For the last 30 minutes or so, we have heard to a great extent that this error, this egregious burden, only applies to some Americans, so it is OK then. In other words, we have come to the point that if you are in a certain category, we can violate the Constitution because it does not affect that many. It only affected 2 percent. We are OK.

That is what Jefferson was talking about.

You see, once we become accustomed to a violation of the first principle, that leads to a second violation, and then so on, and so on. Once we get to the point as a Nation, as keepers of the law, where it is OK to violate the Constitution if only the rights of a few are involved, we endanger everything for all. And now we sit and listen that it is OK that this happened—we have heard $100,000, $150,000, $115,000, all these machinations about the type of people it affects—because it only affects certain kinds of Americans. It is not OK. If it be but one person it is not OK.

I think Jefferson was absolutely correct when he very carefully stated that ex post facto in concept is wrong, no matter how many it applied to.

I believe in my heart this is unconstitutional. I commend the Senator from Texas for rising to try to correct it. Even those arguing with her say ex post facto retroactive taxation is wrong. Well, if they have a better idea for the way to fix it, stand up and rise. Let us hear it. We have been here since

August when this burden was imposed on Americans.

I commend the Senator for rising to the occasion, for trying to perfect a procedure by which we can correct what everybody seems to think is wrong. Well, let us certify that it is wrong and support the amendment and end the wrong.

Now I have authored an amendment to the Constitution that would prohibit the U.S. Government from ever enacting a retroactive tax. That is a loud statement.

The Senator from Texas and others rightfully acknowledge that the process by which we would amend the Constitution cannot address the specifics of this egregious error. I commend her for trying to do so. I think, rather than trying to tangle her amendment up in knots and legalese and protests of that nature, we ought to all come forward and enact what everybody seems to be in unison about; that this is a wrong concept; that this is retroactive; that this separates our people; that this sends a signal to every family, every business, every community that they cannot depend on what the rules of the road are with regard to tax law.

Now, just in closing, I would say this: Some people have questioned whether or not there ought to be a constitutional amendment on the matter. Taxation in this country represents well over 50 percent of the engagement between our people and their Government. And there is nothing that could justify placing this unreasonable burden on every family and business and community.

We ought to make certain that this debate never occurs again by amending our Constitution, and we should all stand up and try to correct something that has been egregiously done to the people of this country. I rise in support of the amendment. I support the Senator from Texas, and I applaud her effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I would like to point out to my colleagues, first of all, our budget for 1994 is $1.4 trillion. Of that amount, when you exclude entitlements, for example, and get down to pure discretionary spending, domestic discretionary spending, the budget is about $540 billion. That includes defense. I see the ranking member of the Budget Committee nodding in agreement, so I am sure my figures are absolutely right.

Mr. DOMENICI. To the best of my ability to remember, they are correct.

Mr. BUMPERS. The $540 billion in discretionary spending out of $1.4 trillion next year; about $265 billion of that is defense.

Mrs. HUTCHISON. Will the Senator yield?

Mr. BUMPERS. I yield for a question or observation.

Mrs. HUTCHISON. I believe the $500 billion the Senator is talking about is discretionary, not including defense.

Mr. BUMPERS. Would the Senator say that again, please?

Mrs. HUTCHISON. Yes. The $500 billion is discretionary. I believe that does not include defense. I wanted to make sure the Senator and I were saying the same thing.

Mr. DOMENICI. I do not remember.

Mr. BUMPERS. I say to the Senator from Texas, I believe that she is mistaken. If she turns out to be right, I will humbly apologize, but I believe the $545 billion figure does include defense. If the Senator has figures there to prove me wrong, as I say, I will happily apologize.

Mrs. HUTCHISON. Let us check because I was told by my staff aide that he also does not think it includes defense. We will verify that.

Mr. BUMPERS. Let me say to the Senator from Texas I feel comfortably sure, and I think the Senator from New Mexico will agree, the $545 billion figure is correct.

If you subtract the $265 billion in defense spending from that amount, that leaves $275 billion.

When we talk about domestic discretionary spending, we often really do mean excluding defense. But the $275 billion to which I refer is what we spend for education, some of our farm programs, health programs—in short, I have made the point many, many times that the thing I took strongest exception to, during the 1980's, is that defense spending soared and entitlements spending soared even higher. The only thing that got held steady was discretionary spending. It went up about three-quarters of a percent over a 10-year period. And that is the spending we spend on ourselves to try to improve the quality of life for our people. That includes law enforcement, that includes childhood immunizations, that includes school lunches, it includes certain agricultural subsidies, it includes all the things we do to try to give people a fighting chance at a piece of the rock, the promise of the good old USA.

Mr. DOMENICI. Will the Senator yield?

Mr. BUMPERS. I will be delighted to yield to the Senator.

Mr. DOMENICI. Mr. President, it appears to me that, while the Senator from New Mexico is right on the numbers he cited with reference to discretionary, in his last discussion he included a number of items that are not discretionary. Agricultural subsidies are in another category; they are not in that $270 billion.

Mr. BUMPERS. I stand corrected, and I appreciate the Senator's correction.

Mr. DOMENICI. Neither are food stamps. The Senator mentions three or four which are mandatory. Health care, he said. But the only one I think is different—domestic health care, that is mandatory; not an entitlement, not discretionary, unless you talk about NIH and that kind of thing.

Mr. BUMPERS. That is almost $15 billion a year at NIH.

Mr. DOMENICI. That is between $12 billion and $14 billion. NIH is discretionary.

Mr. BUMPERS. It is discretionary.

Mr. DOMENICI. We just do not want to overstate the case. The Senator is correct, but discretionary, if we are talking about the same thing, has clearly not grown as much as mandatory spending in the past decade.

Mr. BUMPERS. The Senator will agree with me that everything went out of sight except discretionary spending in the 1980's.

I stand corrected on the farm programs. But I still stand by the statement that it is discretionary spending that gives our children an education, it gives kids a chance to go to college. When it comes to health care, I know the Senator will agree with me that the $500-plus million we are putting in, in 1994, in the childhood immunization program, is discretionary spending. The $15 billion we give the National Institutes of Health, who turn around and parcel that money out to the colleges and universities of America to do medical research, that is discretionary spending.

Yet, the Senator has picked on that part of the budget that has seen little increase in the last 12 years despite the fact that so many people in this body, especially on the Senator's side of the aisle, talk endlessly about how you will never get the deficit under control until you get entitlements under control.

Which brings me to the question. Entitlements have gone up about 150 percent since 1981. Defense spending has gone up over 100 percent, well over 100 percent. And discretionary funding has stayed relatively constant—little increase in the programs that we use to build this Nation.

So I am asking the Senator, would the Senator consider amending her amendment to take this money out of entitlements: Medicaid, Medicare, Social Security, food stamps, and AFDC. Would the Senator consider taking it out of all those programs instead of out of discretionary spending? It might cost some kid a college education.

Mrs. HUTCHISON. I would not consider it at all. That is exactly why we put the cuts in administrative costs, so it would not take away from a child being able to go to college or a child being able to be fed or immunized. That is exactly why we put the cuts exactly where they are. Out of $101 billion that is available, we are talking about a $3 billion cut over all of the agencies in Government. I really think if you pick the priority of whether you

want to cut back 2 or 3 percent in printing costs, travel costs, moving costs, rental payments, communications, printing and reproduction, consulting services, supplies—that people have a choice——

Mr. BUMPERS. Let me ask the Senator what in the world is all this conversation on this side about how we have to cut entitlements? What do you mean by that?

Mrs. HUTCHISON. I am saying I would like to cut those administrative items 2 or 3 percent in an agency, not touching entitlements, and to have fairness with American small business. That is where——

Mr. BUMPERS. Mr. President, I have the floor. I yielded for an observation.

Mrs. HUTCHISON. The Senator asked me a question and I answered his question.

Mr. BUMPERS. Let me make this point to the Senator from Texas. The amendment says nothing about a 2-percent across-the-board cut in discretionary spending. On the contrary, it says the Director of OMB can pick and choose where he wants to cut. If the Senator wants to make the amendment a lot more palatable, change it to say, "2 percent straight across the board."

Mrs. HUTCHISON. If the Senator would vote for the amendment if it is 2 percent across the board, I will change it. One of the reasons we gave the OMB Director discretion is because that is what the President did when he first proposed administrative cuts in his Executive order this year, because the President thought that the discretion would be better in the OMB Director. And I have faith that any OMB Director is going to allocate fairly.

But if I could get your vote with a 2-percent across-the-board cut——

Mr. BUMPERS. Try it, Senator. You just never know when lightning might strike.

Mrs. HUTCHISON. I would love to see the lightning, Senator BUMPERS, because I think we could do well if we are on the same side of an issue.

Mr. BUMPERS. Let me proceed, because I know you are not going to change your amendment.

Mrs. HUTCHISON. Senator, I offered. I offered. Just take me up on the offer.

Mr. BUMPERS. Let me ask the Senator an additional question. If that were the only problem with the amendment, I would give you a guarantee right now. This amendment has so many problems with it, I hardly know where to begin.

Mrs. HUTCHISON. That is not a problem. That is the good part of the amendment.

Mr. BUMPERS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arkansas has the floor. The Senator yielded for a question. But we cannot have a running debate.

Mr. BUMPERS. Mr. President, this amendment is designed to find about $10.5 billion to finance the Unemployment Insurance Program.

Mrs. HUTCHISON. No; that is not the case.

Mrs. HUTCHISON. That is not correct. The $10.5 billion is not to pay for the unemployment——

Mr. BUMPERS. I am sorry, I meant the retroactive tax provision. I misstated myself; $10.5 billion to provide for taking the retroactive part of the deficit reduction program out; is that correct?

Mr. MITCHELL. Yes.

Mr. BUMPERS. Let me ask the Senator this question: On page 4, paragraph 2, you also reduce the discretionary spending caps, and I assume that reduction was to correspond with the $10.5 billion that the Senator is looking for. But that is not what the Senator's amendment says. The Senator's amendment reduces the discretionary spending caps over the next 5 years, not by $10.5 billion but by $36 billion.

Mrs. HUTCHISON. No, no.

Mr. BUMPERS. What was intended by that?

Mrs. HUTCHISON. We reduce the spending caps by $3 billion over each of the next 3 years. We reduce the spending cap by $3 billion in 1994. We reduce the cap $6 billion in 1995 because there is an additional $3 billion in spending cuts in 1995. Then in 1996 we reduce the cap $9 billion because of the additional $3 billion spending cuts.

Mr. BUMPERS. Mr. President, the mother tongue is English. That is what I was taught when I was a youngster. I am going to read some English to the Senator from Texas.

The discretionary spending limits for fiscal years 1994 through 1998 set forth in section 601(a)(2) of the Congressional Budget Act of 1974 shall each be reduced by $3 billion in 1994, $6 billion in 1995, and $9 billion in each of the fiscal years 1996, 1997, 1998.

I made a nice calculation. That comes to $36 billion.

Mrs. HUTCHISON. The cuts are $3 billion over each of the next 3 years. The spending caps come down $3 billion; $3 billion plus $3 billion is $6 billion; $6 billion plus $3 billion is $9 billion, and then it goes on, staying at the $9 billion cap reduction. But it is a spending cut of $3 billion for each year for the next 3 years.

Mr. BUMPERS. Mr. President, let me say to the Senator from Texas, this is not designed to try to intimidate or to awe her. I do not find this in her amendment. Does the Senator know who gave me this figure? The Senate Budget Committee. If the Senate Budget Committee thinks this cuts $36 billion in discretionary caps, would the Senator agree that maybe she needs to change the language so it will be a little clearer?

Mrs. HUTCHISON. No, Mr. President, the bill was written by the legislative counsel and it cuts spending $3 billion for each of the next 3 years. But when you talk about the spending caps, we lower the spending caps each year; that has the effect of $36 billion at the end of 5 years in spending cap cuts, but that is only because we have cut $3 billion each year and the cumulative effect of that $3 billion each year reduces the spending caps.

Mr. BUMPERS. Mr. President, what does the Senator mean when she says $9 billion in each of the fiscal years 1996, 1997, and 1998?

Mrs. HUTCHISON. That is the spending cap reduction. It is not actual spending cuts for fiscal years 1997 and 1998. The spending cuts are $3 billion for each year for the next 3 years.

Mr. BUMPERS. For the next 3 years?

Mrs. HUTCHISON. Yes.

Mr. BUMPERS. Does the amendment of the Senator from Texas only cover 3 years?

Mrs. HUTCHISON. The cuts are 3 years; that is correct. The spending cuts cover 3 years; that is correct.

Mr. BUMPERS. So this is not a 5-year program?

Mrs. HUTCHISON. It is a 3-year cut. The spending caps come down each year $3 billion, and then at the end of 3 years, they remain in place for 1997 and 1998.

Mr. BUMPERS. I am sorry I brought this up. I am really confused now. The Senator is saying that it cuts $3 billion in each of the last 3 years——

Mr. DOMENICI. Next 3.

Mrs. HUTCHISON. No, each of the next 3 years. It is a $3 billion cut for 1994, 1995, and 1996.

Mr. BUMPERS. Mr. President, let me say to the Senator from Texas, I am not a guru on the Budget Act. The Senator from New Mexico is. He has been chairman of that committee. He is now ranking member of that committee. I am just reading this the way I was taught in law school to read language. I can tell the Senator from Texas that her amendment reduces the discretionary budget caps by $36 billion over the next 5 years.

Mrs. HUTCHISON. Yes, Mr. President, I understand Senator BUMPERS——

Mr. BUMPERS. I have Budget Committee staff telling me that is indeed the case. The Senator should address the staff over here.

Mrs. HUTCHISON. I have been to law school as well, and I understand the confusion because when my guru explained this to me, it was difficult for this pitiful lawyer to understand.

However, there is a difference in the spending cuts and the reductions in the caps. The spending cuts are $3 billion for 1994, 1995, and 1996. It does have the effect of $36 billion in caps by the time we go out to 1998, but that is just because we have decreased spending $3 billion for each of the next 3 years. I realize they did not teach us that in law school.

Mr. DOMENICI. Will the Senator yield for an observation?

Mr. BUMPERS. I will be delighted to yield.

Mr. DOMENICI. Maybe I can help the Senator. Mr. President, if we reduced it $3 billion in 1 year and we had a 5-year budget, we would reduce the caps $3 billion in each year, so in 5 years it would be $15 billion. It would only be a reduction in spending of $3 billion. We bring it down once and leave it there. Her amendment says we bring it down $3 billion for each of 3 years. Now if it stayed there, there would be no additional cap change so we would not get the nine she is speaking of.

Mr. BUMPERS. That is an assumption, is it not?

Mr. DOMENICI. No; that is a fact.

It is five times three because we have to put the three in each year.

Mr. BUMPERS. It reduces the discretionary cap by $3 billion for the first year.

Mr. DOMENICI. Yes. The first year you bring it down $3 billion and leave it there. The next year, we bring it down $3 billion more and that is $6 billion, but you have to leave it there. And then the next year, we bring it down $3 billion. We leave it there and then we have it down $9 billion. So if one wants to do the arithmetic, we just put one together and say let us start with $100 billion as the cap. How do we reduce spending over 3 years by $9 billion? The cap has to be down to $18 billion, by the third year, right? So you have $3 billion in the first year, $6 billion in the second year, $9 billion in the third year, and we would then be at $82 billion.

Mr. BUMPERS. The Senator has 5 years on the amendment here.

Mrs. HUTCHISON. That is because we hold the spending caps at the 1996 level for 1997 and 1998. We never go back up.

Mr. BUMPERS. Reduce the spending caps by $3 billion in each of the first 3 years and nothing after that?

Mrs. HUTCHISON. That is correct.

Mr. DOMENICI. Correct.

Mr. BUMPERS. Mr. President, I think I understand precisely what the Senator intended to do, and I know she is not trying to cut the discretionary caps by some amount far in excess of the $10.5 billion required to fund the last revenue in her amendment. If she reduces the cap by $3 billion in 1994 and then reduces it an additional $3 billion in 1995, that is effectively a $6 billion reduction from 1993; is it not?

Mrs. HUTCHISON. It is a $3 billion cut each year.

Mr. BUMPERS. I understand that.

Mrs. HUTCHISON. The cut is permanent—it has the effect of not coming back. That is a good effect of any cut that we make in Government spending; that is, once we make the cut, it has a progressively increased application because that spending never comes back. So each year, we get additional savings benefit because, we are not borrowing the money to spend for that item. But it is only a $3 billion cut each year.

Mr. BUMPERS. I am not sure the Senator and I are ever going to resolve our differences on this. Let me try one more time.

Mr. President, if she cuts the discretionary budget cap in 1994 by $3 billion—and I hope the Senator from New Mexico will listen to this because maybe he can enlighten me—if you reduce the budget cap in 1994 by $3 billion, everything is fine at that point. In 1995, you reduce it an additional $6 billion. At that point you have reduced the budget cap by $9 billion from what it is in 1993. If you cut it another $9 billion in 1996, that is $18 billion below the present budget cap. And you do that an additional 2 years, the Senator says in her amendment, an additional $9 billion in 1997, an additional $9 billion in 1998, and that is $36 billion below the 1993 discretionary spending cap.

Mrs. HUTCHISON. There is a difference between cutting spending and lowering the caps.

Mr. BUMPERS. I understand that, Mr. President. I am talking about where the budget cap that has been set in the budget resolution ought to be. I understand, we are not talking about spending. We are talking about budget. But there is this to be said. If my interpretation of the Senator's amendment, the way I read it, is correct, she is not only cutting out $9 billion in the first 3 years in spending cuts, discretionary spending, she is cutting a total of $36 billion in discretionary spending during that period of time. Five years from now, the budget caps for discretionary spending will be $36 billion lower than they are right now.

Mrs. HUTCHISON. That is correct.

Mr. DOMENICI. No. No. Will the Senator yield?

Mr. BUMPERS. Now the Senator from New Mexico says "No. No."

Mr. DOMENICI. They will be——

Mrs. HUTCHISON. The caps will be——

Mr. DOMENICI. The caps will be $9 billion less than they would otherwise be.

Mrs. HUTCHISON. The 5-year effect on total spending would be a reduction of $36 billion. The cap remains the same as it is 1996 for 1997 and 1998. But we have only cut spending by $3 billion a year over 3 years.

Mr. BUMPERS. But that is $9 billion each of the last 3 years, is it not?

Mrs. HUTCHISON. That is the cap, but we are not cutting spending any more after 1996.

Mr. BUMPERS. Mr. President, let us abandon this for the time being. We are getting nowhere with it. I hope the Senator would change that section in her amendment. I do not intend to vote for the amendment for a lot of reasons, but certainly I would not vote for it in 100 years unless that language were clarified.

Now, let me go ahead. Since the Senator is not cutting these kinds of expenditures, administrative expenses—traveling, printing, all of the things the Senator listed—across the board by a particular percentage so that everybody shares the pain, and is instead allowing Leon Panetta, Director of OMB, to make these cuts however he chooses, number one, does the Senator realize that Leon Panetta has been one of the most vigorous opponents of the space station?

Now, it may be the President may be able to straighten him out on that since at this point the President favors the space station.

Does the Senator realize that if you look at all the things she has in her amendment here on page 5 where she lists all the things she wants cut, does the Senator realize that 84 percent of NASA's budget falls in that category? And that Director of OMB Panetta, since NASA's budget is $15.9 billion, could just take the whole thing out of NASA's budget, the whole $10.5 billion, since 84 percent of their budget comes within these items that the Senator has in her amendment?

Now, the Senator would not like it if he did that, would she?

Mrs. HUTCHISON. Is the Senator asking a question?

Mr. BUMPERS. I am asking the Senator a question. Would the Senator like it if the Director of OMB decided to take this whole $10.5 billion out of the NASA budget which he would have authority to do under the Senator's amendment?

Mrs. HUTCHISON. I would not like it. But I do this trusting that the OMB Director, whether he or she is a Democrat or a Republican, is going to administer this fairly, just like President Clinton assumed Leon Panetta would do when he proposed administrative cuts in an Executive order earlier this year.

The reason I went this route instead of rigid across-the-board cuts is because I could not get good numbers from any source—not the Congressional Budget Office, not the OMB, not the Joint Committee on Taxation—for exactly how we could get to the $10.5 billion with percentage cuts. So I opted to do what I thought was the next most reasonable thing, which was cut a dollar amount, and give the OMB Director the discretion to determine how it would best be allocated. I have all the confidence in the world that Mr. Panetta will not take it out of one agency in some sort of retribution.

Mr. BUMPERS. May I ask the Senator, Mr. President, an additional question. If the Budget Act is waived, I am probably going to offer an amendment to pay for the repeal of the retroactive taxes by terminating the space station.

Will the Senator support that, if she does not win on this one?

(Mrs. FEINSTEIN assumed the chair.)

Mrs. HUTCHISON. Madam President, I would be shocked if the Senator from Arkansas would do something that vindictive, in retribution.

Mr. BUMPERS. Oh, please, Madam President, give me a break. I have been trying to kill that space station for 5 years and the Senator says she would be shocked. I am shameless when it comes to terminating the space station to reduce spending.

Mrs. HUTCHISON. Madam President, I have eternal faith that the Senator from Arkansas is going to see the light someday and that he would not do such a terrible thing.

Mr. BUMPERS. Madam President, I am beyond redemption but the question is, would the Senator vote for that amendment?

Mrs. HUTCHISON. Of course not, Madam President.

Mr. BUMPERS. So as long as nobody can really pinpoint the actual spending cuts and you go back home and say, I tried to cut administrative expenses; it is like entitlements, when you come to the specifics of cutting, nobody around here can find it in their heart to do it. As long as you are talking about things that nobody understands, like entitlements, or administrative expenses, you can hide behind that. But if you talk about the super collider or the space station or the ballistic missile defense system or the intelligence budget nobody wants to touch them. There have been 17 amendments offered and voted on during the Senate's consideration of the fiscal year 1994 appropriations bills which would have specifically cut spending. That is not nearly enough. I offered several of those myself. So I do not yield to anybody in trying to get the deficit under control.

But I had a very tough time getting the Senator from Texas to support any of them. I think maybe out of the 17, she voted for 4 of the amendments.

So I would think that everybody in the Senate would like to redeem themselves for their recent shameless vote on the space station and just take it all out of the space station and not have to worry about the arbitrariness of the Director of the Office of Management and Budget.

In addition, Madam President, this thing is hopelessly unconstitutional. It would not stand up for 2 seconds in court. The House has to originate all tax bills. The House did not originate this. It is going nowhere. Some Members are out here hoping the press will pick this up about how the Senate voted not to repeal retroactive taxes and not to cut administrative expenses.

The interesting question about this is, what is this exercise in cutting the discretionary spending caps? President Clinton thought of this a long time before the Senator from Texas did. He is trying to cut $108 billion as part of the reinventing government initiative.

But here we are out here talking about something that is, as I say, hopelessly unconstitutional, very, very arcane, about how much it cuts discretionary spending caps, and what is it for? The richest 1 percent of the people in the United States. I have nothing against the rich. I have been trying to join them all my life. I wish I were in that top bracket.

I never will forget one time Griffin Bell, who was Attorney General under Jimmy Carter—a wonderful man, one on one—came to see me after he left office a couple years, just walked in, and I said, "Judge, what are you doing?" He said, "Trying to get in the highest tax bracket I can."

I would like to be in a higher tax bracket, too. If I were in that 1 percent category, I promise you I would not really squawk too much about this. After all, we are trying to cut the deficit by, depending on whose figures you use, $440 to $500 billion over the next 5 years. People ought to be standing on their feet and cheering.

I do not much like the retroactive taxes. But the Senator from Georgia made a point a while ago that it is unconstitutional. The Supreme Court has previously ruled on that issue. Of course, it is constitutional. Senator DOLE led the fight in 1982 for a tax increase. Everybody in this body, with the exception of the Senator from Texas and some of the other Senators who came here this year, has previously voted for retroactive provisions in tax bills. There is nothing new about that. It is constitutional.

What is hopelessly unconstitutional is a tax bill originating on the floor of the U.S. Senate. The Constitution—if you speak the mother tongue, English—says all revenue bills must be originated in the House. So why are we here? Everybody knows why we are here.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, are there any time constraints on this?

The PRESIDING OFFICER. There are no time constraints.

Mr. DOMENICI. I will not use much time of the Senate. It is getting late.

Let me say to my friend, Senator BUMPERS, with reference to discretionary spending in its purest sense—incidentally, the other one I was thinking of that he mentioned is college loans. College loans are mandatory. They do not fit in discretionary either. But the numbers on discretionary are not quite as bad as I might have implied a while ago in concurring that they were not the big culprit in the accumulation of deficit. They definitely are not. But just to put the right numbers in, in fiscal year 1980, it was $129 billion. In 1993, it is $239 billion. That is not a gigantic increase over 13 years for the programs that really make up the heart of what we appropriate for. So I want to correct that.

Let me also make the point about this amendment.

Mr. BUMPERS. Madam President, will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. BUMPERS. What kind of increase is that over baseline? Most people do not know what baseline means. It means inflation. What kind of percentage is that over inflation?

Mr. DOMENICI. I do not know. The person that helps me with this got it from the computer. I do not have the baseline numbers.

My guess is—it is probably about cumulatively 35 percent, 40 percent over baseline. The baseline would be inflation only. I think for many years we had inflation plus two or three. Then we came down to inflation. I am just guessing. But I think that is pretty close.

Madam President, fellow Senators, frankly, I do not like to cut discretionary programs to pay for either entitlements or reductions in the tax take of the country. But I want to compliment the Senator from Texas for the way she has done this. First of all, she has taken what I understand—she can correct me if I am wrong—the distinguished Senator from Colorado, Senator Hank BROWN, has on a number of occasions asked the Senate to reduce discretionary spending and he has been very precise. He has actually taken named accounts within the OMB's processes of managing the bureaucracy, such as travel and transportation of persons. That is an account. It is account No. 21; such things as printing and reproduction, that is an account, account No. 24. She has taken a number of those and said, cut those by an amount equivalent to the $3 billion plus that she needs each year. So it is very precise. If it were to become law, that is the only thing the OMB Director could cut. She has not found a way, nor did she desire, I assume, to say that for each and every Department it would be exactly that amount because maybe they would find that even transportation of persons was more needed in one Department than it is in another. So she did not choose to save each one exactly the same amount. So I compliment her for that.

The other interesting thing that she did, and we are having trouble with it here today, is to reduce the caps. I do not intend to bring back all of the different amendments that have been offered to cut the budget. I think my friend from Arkansas knows my position. In fact, he asked me on the floor when he had the space program up. And he said, "Senator, if this was to actually reduce the caps so that we are

really saving money, would you vote for it?" Then he said, "I'll put that in my amendment." It is in there. I said, of course, I will not because I am not choosing that as a priority to cut.

But the point is many cuts are offered on the floor. Some prevail and some do not. Interestingly enough, the super collider prevailed. Senator BUMPERS tried for a long time. He is deserving of some of the credit, if he wants it, and I assume he does. But essentially if you do not lower the cap by the amount that you cut, you have not reduced the deficit by one penny.

Let me make sure that everybody has that. The caps sit out here as the obligation limitation. You cannot exceed that. But never do we come in under it. So whenever you have a cap, you fill the whole cup, and you spend right up to the cap. And I am not critical of that. I am just saying that it is the discipline.

If you come along and say, well, I want to take $12 billion out for the space program, and you succeed, have you cut the deficit? Zero, unless you can say to your constituents they will not spend it somewhere else. Right? Because they will. Is anybody telling this Senate when the superconducting super collider was dismantled that after the first year we have to spend $600 million to undo it, and get everything set up, pay the people, all the things you have to do to terminate. But the very next year when you are through with that, all that money you projected to come out of that program, the superconducting super collider, will it reduce the caps one penny? The answer is no, unless we do. So what will it go for? The reason I do not vote to terminate it is because the money is going to be spent for something else, and I choose the super collider over a myriad of programs that I am not so sure inure to our long-range investments for our people and do not inure to our gaining jobs of high quality in the future because of technology advances.

This Senator has not done that. She said cut this out and lower the caps by an amount that equals what you ordered to be cut.

Frankly, we can talk all we want about whether she is lowering the caps by $3 billion a year cumulatively—perhaps that is the word we ought to add every time we speak of it—$3 billion a year cumulatively until you get to $9 billion. That is what the amount says. So you take it down three, you lever the three and add to it, that is accumulating the two and in the third year you do the same, and it is nine. That means you have said we are taking out $3 billion a year each. Each year it is $3 billion in new cuts in travel, rental payment, printing, consulting, supplies, and material.

Have I expressed what the Senator intended correctly?

Mrs. HUTCHISON. You bet. Thank you.

Mr. DOMENICI. Having said that, I want to talk a little bit about retroactivity.

The last time statements were made on the floor that every one knows that retroactive taxes are legal and constitutional, I had the occasion to hear that from that chair, from the lips of the majority leader. Frankly, I made a mistake. I was not part of that debate. I could have stood up and said: Mr. Majority Leader, are you aware that—and I could have named a case—there was a case on appeal before the Supreme Court right then, and there is today, challenging the constitutionality of retroactive taxes?

As a matter of fact, the Supreme Court has agreed to hear a case from a circuit court that indeed ruled that a retroactive tax under the right set of circumstances was unconstitutional. One could say that court is a renegade court, although it is not one to be taken lightly, and no one calls that circuit a renegade court. The Ninth Circuit ruled under certain circumstances a retroactive estate tax is unconstitutional, and the U.S. Supreme Court has that case before it.

In fact, the reason I know it is because I am filing an amicus brief. I am the lead Senator on it, and many are going to sign it, urging that the Supreme Court find a very precise retroactive estate tax unconstitutional. I am not going to get into how you make it precise, but the point of it all is that if you do not put the taxpaying American public on notice in a timely manner that Congress is going to make a tax effective retroactively and the case is very, very close as to whether or not the Court is going to rule that it is unconstitutional for any period of time longer than the time when Congress was put on notice and actually told the American public this might occur.

For those of us who have been around here a bit, you might remember that the chairman of the Ways and Means Committee, in the past 10 or 12 years, has occasionally, in the middle of a prolonged debate on taxes, sent a letter to certain people setting forth the expected effective dates in order to make it public and spread it on the record, saying we are contemplating such and such.

So the point of it is, the Supreme Court has agreed to hear the Carlton versus the United States of America case, challenging the 1986 retroactive estate tax changes as unconstitutional. The Ninth Circuit is the one that ruled in favor of the taxpayers and struck down a retroactive estate tax change. This case is important not only with respect to the 1986 tax provision involved in the Carlton case, but it will likely be determinative of the constitutionality of President Clinton's retroactive tax increase for individuals, trusts and estates.

The importance of the Carlton case has prompted me, as I indicated a while ago, to read the briefs and to go on an amicus curiae brief in that case. I urge that my fellow Senators look at it and join me. Clearly, it is a case in 1986 where the estate taxes appear to this Senator to be not only unfair but grossly unfair and clearly unconstitutional as violating the due process clause. And I think the Supreme Court will interpret the due process clause in a way that tells Congress they have gone too far.

It is always unwise to predict the reasoning of the Supreme Court. Nonetheless, I am going to suggest several reasons why the Court wants to revisit retroactivity.

I am going to stop for a moment. I alluded a while ago to the majority leader speaking from the same position on the floor that my good friend Senator BUMPERS spoke from when he said that everybody knows that retroactive taxes are not unconstitutional, and everybody except brand new Senators have voted for it. When the majority leader made that statement, I walked up here and I did not state it on the floor of the Senate openly, but I said, Mr. Majority Leader, there is a case pending before the Supreme Court. I knew about it. I had this very same brief in front of me, and I said the case is Carlton versus The United States and the Ninth Circuit has ruled a retroactive tax increase unconstitutional.

Some have said that it is so clear cut that any retroactive tax increase is constitutional, you should not be arguing about it. I submit it is a very close question as to whether this Supreme Court is going to rule that the 1986 estate tax, retroactive in nature, is constitutional. I think they will say it is not. It is an equally close call with reference to some of these taxes, not all of them, depending upon when the public had notice. That was certainly not from the original time you put it into effect, namely January 1 of this year.

So for those who say—I will not quote further but the majority leader said it is settled in that regard and that every Senator, without exception, knows that it is a violation of the Constitution. Every single one knows that it is not a violation of the Constitution. I submit that every one does not know it. Every one could not know it, because it is not true. So every one could not possibly know it.

I do not want to overstate the case. It is a very close question. I think the Carlton case is a better case than this one, but clearly both have very strong qualities of no notice whatsoever to cause anybody to change their behavior. And then in the imposition of the tax, they have found due process is not quite measured up to in that manner.

There is another case, Licari versus Commissioner, which supports constitutional retroactivity. It is also a

Ninth Circuit case. And they are going to be up there as twin tigers fighting for the mind of the Supreme Court, and we will see in the not-too-distant future who wins.

There are some other issues I wanted to raise with reference to the due process clause. I might mention there is another part of the Constitution that they use also in these cases, the ex post facto law, which works its way into this due process clause, being the one that is a little easier to understand in a generic way.

There are other cases involved, and I am going to put them in the RECORD as part of this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RETROACTIVE TAX INCREASES AND THE CONSTITUTION

First, quite obviously, the Supreme Court feels compelled to speak again on the issue. Agreeing to hear the *Carlton* case means that the Court has something it wants to say on the subject.

Agreeing to hear the case is a development which contradicts statements made on the Senate floor recently about the iron-clad constitutionality of retroactive tax increases.

On August 6, 1993, when Congress debated the constitutionality of retroactive tax increases contained in the 1993 tax bill conference report, Leader Mitchell said:

"It has been settled law in America for more than three-quarters of a century that retroactive changes in tax law are constitutional. There is not a single legal basis, there is not a single constitutional basis that supports the contention of this point [of unconstitutionality of the Clinton tax increases] * * *"

"Every single Senator, everyone, without exception knows that it is not a violation of the Constitution—every single one."

Chairman Moynihan said:

"The Supreme Court has disposed of the matter in the most explicit terms and within the time in which I have served on the Finance Committee."

"There is nothing more to be said on the constitutional matter * * *"

If the "crystal clear constitutionality crowd" were correct, there would be little reason—no reason—for the Supreme Court to hear yet another retroactivity case.

Of course, the Supreme Court could merely want to overrule one renegade Circuit. But one aberrant decision isn't usually the stuff that gets a case before the Supreme Court.

The 9th Circuit isn't even a consistent renegade. It has applied the same "tax deference" doctrine and come to opposite results in two recent cases:

Carlton holding for the taxpayer and holding retroactive tax changes unconstitutional; and

Licari v. *Commissioner* supporting constitutional retroactivity.

Perhaps the Supreme Court has something entirely different on its mind.

Certainly the Court's decision to hear the case suggests that it is not happy about something.

Perhaps it is unhappy with its past pronouncements.

In deciding to hear the *Carlton* case, the Court could be signaling that it wants to update the law in view of recent Congressional abuse.

THE FACTS SURROUNDING THE 1993 TAX INCREASE

During the campaign, Bill Clinton promised middle class tax cuts and raising taxes on the wealthy.

There was never any mention of increasing the tax rates on trusts set up for persons who are disabled or mentally ill.

The facts are these. The Administration first proposed the retroactive tax increase on February 25, 1993.

There was a great deal of confusion about the upper income tax increases. During the early summer, when the Senate was considering the bill, news reports stated that the rate increase would be effective July 1, 1993.

Notice of a rate increase for estate and gift taxes was only first proposed on February 25, 1993.

No one who died between January 1, 1993 and February 25, 1993 had constructive notice of the proposed change.

The Act did not become law until August 10, 1993.

President Clinton campaigned that he wouldn't raise taxes on anyone earning less than $200,000, yet in the bill the President signed this summer, tax bracket increases begin for trusts above income of $1,500.

This isn't really a tax on trusts. It is a tax on people who are mentally ill and people with disabilities. It is a tax on their living allowances. It is also a tax on education.

Under the old law, taxable trusts for college or for the care and maintenance of a person who is disabled or suffers from a mental illness paid a top rate of 31 percent on taxable income of more than $11,250. That was quite steep.

But under the Administration bill that passed it became much, much worse. They would pay 39.6 percent on income of more than $7,500.

This means that a very small trust under prior law with income of $3,750 would have paid $562 in federal income taxes. Under the new law, the trust would pay $862—a 53 percent increase.

Under the new tax law, trusts would pay 31 percent on income between $3,500 and $5,500; 36 percent on income over $5,500, and 10 surcharge on income over $7,500 leading to a marginal rate of 39.6 percent.

Mr. DOMENICI. I will conclude by merely saying that the issue is one of fairness. Certainly, one can come to the floor and obfuscate the facts by talking about the rich, by talking about holding something up that is not for the rich, and because you are trying to push something for the rich. But let me tell you, the American people may be concerned about the rich versus the poor, and the rich get too much and the poor do not get enough. But they are almost in one harmonious voice in disagreement with a country and a Government that taxes anybody.

You can go look at the polls. Nobody during that retroactivity debate, which was one of the most serious mistakes in that tax package—it garnered more national opposition to that tax package and reconciliation than any other single provision. In fact, it was so vital at one point that even on that side, they wanted to find a way to get rid of it. Guess what they did? Those in the back room writing it thought they got rid of it by making it easier. They said it will not have to be paid all at once. You can have 3 years to pay the retroactive amount that you owe. To me, that is an admission that the retroactive tax increase is harsh and oppressive and violates due process. The installment payments do not remedy the constitutional challenge that I have just described. And, essentially, I do not believe it escapes the ire of the American people in being opposed to retroactive taxation.

I yield the floor.

Mrs. HUTCHISON. Madam President, I will close at this time. I understand that we are going to come back tomorrow to finish this amendment, plus several others. I would like to reserve an hour tomorrow for other people to be able to finish speaking who were not here today and to be able to closing argument.

To close today, let me just say that I think that this amendment is about a fundamental issue of fairness. 675,000 people—mostly small business people—were hit right between the eyes with a tax that they did not expect. These are the people that create the new jobs in our country. Madam President, if we will play fair, do not change the rules in the middle of the game, and let the small business people prepare next year for the higher taxes, the small business people will be able to end this year in a reasonable manner. They will be able to then put the money that they saved, which is $10 billion, back into their businesses, creating new jobs, training new people, investing in new equipment, and buying new inventory. That is what they will do with this money. The money will flow back into the economy. The $10 billion will create new jobs, and it will keep more people from going into unemployment lines.

So I hope we will adopt my amendment. If we do, I know the bill will pass. I know we will work out our differences with the House. We will do what is right for the unemployed and for the small business people, who are the people that can keep more workers from being unemployed, and who, hopefully, will not have to lay off people because they were not able to plan for a retroactive tax increase.

I look forward to continuing this debate tomorrow. I hope that when we vote, the Senate will do the right thing and the best thing for our unemployed people, for our workers, and for the businesses of America who are the engines that drive this economy. It is they alone who will create the real jobs that are the permanent jobs that will get this country going again.

Thank you, Madam President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I will be relatively brief. I suppose we have had about all the debate we are going to have this evening on this. I want to touch on several items, but I

would like to touch on the point the Senator from Texas made last.

Let me say I think this debate is a very healthy thing, a give and take. It is a tragedy that we do not really debate as a parliamentary body, but, hopefully, people watching on the television set are deriving some benefit from the debate.

I have the utmost respect, admiration, and affection for the Senator from Texas. So this is a debate in what I think is the very best tradition of the Senate. When I question the Senator from Texas, I want her to know it is a genuine question about the amendment. Having said that, I think the amendment is poorly crafted.

But to go on, the last point the Senator from Texas made dealt with small business. The Senator from Texas would not be aware of this, perhaps, because she was not here at the time. But for many, many years the U.S. Government used to lease its Federal lands for oil and gas drilling by lottery. You would send $10 in with your name. If they drew your name out of the squirrel cage, you got so many acres. All you had to do is pay $1 an acre and ask for it. It could be a bonanza. It could be worth billions. You got it for $1 an acre if you pulled it out of the squirrel cage lottery. Actually, the lottery is a violation of the criminal laws of the United States. Nobody ever paid attention to that.

When I found out we were leasing land worth billions of dollars a year to retirees in Florida, whoever wanted to send the $10 in and get their name put in the squirrel cage, I found that bizarre.

It took me 8 years, I say to the Senator, to stop it. Does the Senator know why? Every time I came to the floor to raise that amendment, opponents rallied in the name of the mom and pop operators. Others were not even bidding on the land. Exxon was not bidding on it. Nobody was bidding on it. It was people who like to gamble. If they happen to win in the lottery, they turn around and sublease it to some mom and pop operation.

The reason they fought it tooth and toenail is that they did not have to bid on the lands on a competitive basis. I said many times on the floor of the Senate that when I was Governor of my State, I assumed if we did not do everything by competitive bidding, I would wind up in the slammer. I get up here and find out they do not do anything by competitive bidding.

It took 8 years because the little mom and pop operators used that specter. As the Senator knows, I am chairman of the Small Business Committee. I am a former small businessperson who put in 16 hours a day 7 days a week for years trying to keep from going under and keep bread on the table for my wife and three children.

But I can tell the Senator this bill is not relevant at all to small businesses. I am talking about the tax bill. At least I do not think it is. You have to have a gross income of $180,000 before that tax bill affects you.

That may be small by some standards, but $180,000—I forget what our salary is here, but it is a handsome salary. It is more than I was ever paid. I tell you something: If I wind up in that 36-percent category, I am going to be just like Judge Bell was. I will be tickled to death. I am trying to get in the highest tax bracket I could get into.

Mrs. HUTCHISON. Madam President, will the Senator yield for one observation?

Mr. BUMPERS. I am happy to yield to the Senator.

Mrs. HUTCHISON. Let me just on that one point say that what the Senator and I make here, that $133,000, or whatever it is, is a very different thing, as the Senator knows as a former small businessperson, because even after the small business person takes all of her deductions, that $133,000 is not just ready cash. When she pays back the loans that she probably had to take out to finance her small business, the principal comes from after-tax dollars. You do not get to deduct that principal. So if you have $30,000 or $50,000 that you are paying interest on, it comes out of that profit.

Mr. BUMPERS. How do you differentiate, if I may ask, between that and my paying on my house? I do not get to deduct the principal on my House, but the value of my house has gone up.

Mrs. HUTCHISON. The Senator and I both have been small business people. We both have struggled to reduce costs and make ends meet, and we both have succeeded in small business. The reason we have succeeded is that we take the after-tax dollars and put them back into the business.

What the Senator and I are making now is different. They are walk-away dollars. The Senator does have to pay the mortgage on his home and he probably has to have two because he lives in Washington as well as in Arkansas. But that is not money that he is plowing back into a business that is going to create new jobs.

That is the differentiation that I want to make because I do think we are talking about small business here. I am sincere about that. I do think that the retroactive tax increase hurts small business people more than the rest of us right now in America.

Mr. BUMPERS. Madam President, I say to the Senator from Texas, she is absolutely right about one thing. Small is a relative term. Small is like beauty. It is in eye of the beholder. The Small Business Administration has all kinds of criteria as to what is small and what is not. What they consider small in one industry is quite different from what they consider small in another. Some people can have as many as 500 employees and still be considered small by SBA standards.

But I am talking about a hardware or furniture dealer with five employees who has a very tough time meeting payroll. I tell you no true small business out there is going to be affected by this bill. The truth of the matter is the retroactive part of this is really principally for the benefit of the richest 1 percent of the people in the country. As I say, I do not have anything against them. I do not like the retroactive tax increase either, and I would like to figure out a way to change it.

The Senator knows I would divinely wish I could take it out of the space station, kill the space station and do something meritorious at the same time. I may offer that. I do not have much hopes of winning. I do not think the Senator has much hopes of winning on her amendment either.

I talked about the unconstitutionality of the amendment. I was sorry the Senator from New Mexico left because—is the Senator a lawyer?

Mrs. HUTCHISON. Yes.

Mr. BUMPERS. The Senator has read the Constitution many times. And the Constitution says that all revenue raisers, all tax bills have to originate in the House.

Is the Senator familiar with that?

Mrs. HUTCHISON. Absolutely. And the Senator and I know, if he would let me respond, that if this amendment is passed, we will work it out between the Houses, and we will do our best to help the unemployed and help the small businesses keep more people from being unemployed.

Mr. BUMPERS. Does the Senator think she can say to the chairman of the Ways and Means Committee, whoops, we slipped; we passed a tax bill over in the Senate, but it is OK with you, Mr. Chairman? He will levitate through the top of this building.

Mrs. HUTCHISON. With all respect, I think we passed an unconstitutional bill on August 6, but we just went right ahead and did it. Now I am trying to correct that. I think we will certainly be able to get the House, if we pass this amendment, to pass this as original legislation, and I think we will do the best of both worlds. I really do. I have seen it happen many times in many stranger ways, and I have only been here 5 months.

Mr. BUMPERS. Madam President, if I might just direct a couple of other points to the Senator from Texas about her amendment.

First of all, she agrees with me that her amendment provides that the Director of the Office of Management and Budget shall establish obligation limits for each agency and department in order to carry out provisions of this section.

In answer to a question previously, the Senator from Texas said to me, yes, these cuts will be made by the Director of the Office of Management and Budget.

Now, as I say, I consider that a rather dangerous precedent to just turn this over to a bureaucrat downtown to say who is going to get cut.

For example, the Senator's amendment lists eight categories of something called object classes.

Madam President, I daresay the present Presiding Officer never heard that term in her life. I have been here 19 years. I have never heard that term in my life, but that is what it says—object classes.

And then, under a vague category of other services, object class 25.2, hospital care and premiums on insurance. Now, hospital care for whom? Whose hospital care are we going to cut, Senator?

Mrs. HUTCHISQN. Senator, I do not know what that particular hospital care item is. But that is the great part of this amendment. There are many options that an agency head has to choose from, and that is why I put all of the object classes in so that you could choose between travel, movement of things, utilities, maybe office rent, maybe he can cut down on the office space, maybe he could cut down on the supplies, maybe he could use fewer pencils so that the workers of America would be able to have their jobs become more steady.

I do not know what every category of other services is, but I know that it includes stenographic contracts; it includes outside contracts of any kind. I think what is so good about this amendment is that it allows an agency head to choose.

I want to say that the Senator mentioned that we do not want to set a dangerous precedent here of giving the OMB Director this discretion. I have from the Federal Register the Executive order of the President of the United States on February 10, 1993. He says: "The OMB director shall review agency requests for administrative expenses and shall ensure that all agency requests for such expenses are reduced to the level that he has asked that they be reduced."

He gives the OMB Director the discretion. So it is not a dangerous precedent I am setting. I am trying to give the benefit of the doubt to the OMB Director so that he can have a little bit of leeway.

But I do not think he is going to abuse that power. And I think you are friends with him and you would not think so either.

Mr. BUMPERS. You talk about the good things about this amendment. One of the bad things is the Senator cannot explain to me about hospital care and insurance premiums. Whose insurance premiums are going to be cut, and what does that mean to their hospital health care?

How would you like to wake up down there and you got a nice policy and all of a sudden OMB says we are going to cut the amount of insurance premiums we can pay an organization, and end up realizing they have very little.

You have a lot more confidence in the OMB Director than I do, and he is a very good friend of mine.

Mrs. HUTCHISON. Here are some of the categories: other services, repairs and alterations, storage and maintenance, auditing, typing and stenographic service contracts.

Mr. BUMPERS. Senator, let me interrupt you. I am familiar with that list you have in your amendment. I am talking about object classes, which is what you say in your amendment.

If the Senator would just bear with me for a moment, here is what it says. This is on page 5, section (c).

Definition. For purposes of this section expenses means the object classes identified by OMB in object classes 21–26 as follows.

And you list all of those things. But listed in there is also other services. That is what I am talking about to some extent here, because under that, you find hospital care, you find insurance premiums, you find one-third of the Veterans' Administration health care spending is in that category.

Does the Senator intend to cut VA hospital care?

Mrs. HUTCHISON. Absolutely not.

Mr. BUMPERS. What if the Director of OMB decides to cut that?

Mrs. HUTCHISON. There will be no program cuts. And I am giving the head of every agency the right to not only cut the other services category, that is, one out of seven or eight categories—but to cut within the other services category, where there are a myriad of options from which the agency head can choose.

Maybe some agencies also will be able to cut back on health care premiums because they have fewer employees. But that is probably not going to be their priority, and it is not required by this amendment.

Mr. BUMPERS. You only give the agency heads that right after the Director of OMB has set the limit. Within that limit, yes, they can decide where they want to cut.

Mrs. HUTCHISON. That is right, and it should be about 2 percent of all of these categories put together.

Mr. BUMPERS. The Senator keeps coming back to 2 percent. Your amendment does not mention 2 percent anywhere.

Mrs. HUTCHISON. No, but that is what it would come out to be in an evenhanded approach, and I think the OMB Director would have an evenhanded approach.

Mr. BUMPERS. But you do not say that. You say the OMB shall have the exclusive authority to set the limits; he can dictate it, all of the classes, take a good bit or a big chunk out of the Veterans' Administration, and he can dictate wherever he chooses.

I do not think that is a good idea.

Mrs. HUTCHISON. Sometimes you just have to have faith in the appointees at that high a level, that he knows where the discretion is and he is going to be evenhanded. And if he is not, he is going to pay a price. So I have total confidence that Mr. Panetta will be able to do that.

This amendment is about creating efficiency in government. It is doing exactly what a business would do, and that is to review the overhead categories, and to decide what the priorities are. Maybe we can wait to fix that piece of equipment or maybe we cannot; or maybe we are not going to send as many employees to seminars this year. Maybe we are going to send one instead of five, and that one is going to come back and train the others.

Those are the kinds of cuts that will be allowed. But the agency head has the choices.

Mr. BUMPERS. OMB has gutted them. They have the discretion to decide where they wanted to be gutted least.

But under the other services of the Senator's amendment, you have other services, and that includes repairs and alterations, and these are listed as obligations for repairs and alterations to buildings, bridges or viaducts, vessels, equipment, and, "like items when done by contracts."

Now, that is what it says. Now what if the Director of OMB says, you know, I do not care too much for Senator HUTCHISON and Senator GRAMM. I think we will get into some of these projects, you know, the Highway Transportation Department. That is discretionary, I think, and they could get hit. He could decide to take it all out of that if he wanted to, if there was enough there. What if he decides to pick all those projects you have in Texas? You would not like that.

Mrs. HUTCHISON. He would not be able to do that. We are talking administrative costs here. We are not talking about any grants or programs.

And I know that the OMB Director would not do that anyway.

Mr. BUMPERS. You refer to programs. OMB cannot cut programs, but under programs there are contracts.

Now what if there is a big $250 million bridge down in Texas and he decides to cut that contract?

Mrs. HUTCHISON. That is what is excluded; programs are excluded. We only have the cuts in the administrative costs of Government, not the program costs. And that is one of the good parts of the amendment.

Mr. BUMPERS. Well, programs include contracts. And the OMB Director, under the Senator's amendment, can pick out any contract he chooses to eliminate. Or he can eliminate a program which has within it certain contracts that might well be near and dear to you. He might just take a new VA hospital, and say——

Mrs. HUTCHISON. No, sir.

Mr. BUMPERS. "I am sorry you have a contract for this new VA hospital."

I am just talking about what my colleague's amendment says in clear, concise language. She talks about reducing administrative expenses, in the debate. But she has such a vague term called object class, and it makes the whole thing sound painless and technical. But if we look at the definitions, the Senator is talking about real people.

This is no way to legislate. I think the Senator, even as strongly inclined as she is to keep the space station going—and I understand that, if I were from Texas I probably would be a defender of the space station, too. Happily I am not from Texas.

Mrs. HUTCHISON. I am sorry.

Mr. BUMPERS. So I do not have to do that.

Mrs. HUTCHISON. Senator BUMPERS, I am so sorry you are not able to say you are from Texas.

Mr. BUMPERS. Well, we have two thoughts on that.

Mrs. HUTCHISON. We can agree to disagree on that.

Mr. BUMPERS. I do not have anything against Texas either. I want Texas to be treated as fairly as anybody else. And I do not want the Director of the Office of Management and Budget discriminating against Texas. I do not want him discriminating against Arkansas; I do not want him discriminating against veterans; and I do not want him taking away highway projects that are near and dear to my State.

Mrs. HUTCHISON. He would not.

Mr. BUMPERS. I do not want people losing their health care premiums, I do not want them losing their hospital care. All of those things are very possible in the Senator's amendment because it is not well defined.

Mrs. HUTCHISON. If the Senator will yield just on one point? Programs are not a part of the amendment. It is administrative costs of Government within the object classes. I did not dream up the name "object classes," I assure my colleague. But it is within the object classes that our amendment takes effect—that is the language that is used. Those object classes are all of the things that normally you would assume are overhead. They are not program costs.

Mr. BUMPERS. Madam President, 74 percent of the Superfund Program comes under the Senator's amendment; 74 percent of the Superfund.

Mrs. HUTCHISON. Thanks to you, Senator, we may not have to worry about that anymore.

Mr. BUMPERS. The reference was to the Superfund Program, not the super collider. I came up here to make the tough choices, not hide behind something called administrative expenses, not hide behind something called entitlements, but vote up or down on specific items.

The Senator saw my chart this afternoon. She saw all the amendments we voted on this month, 17 specific cutting amendments, several of which were mine. I do not think the Senator voted with me a single time on any of them. But that is beside the point. We are supposed to be here to show the kind of courage that people have every reason to expect from us, not to hide behind jingoism and arcane terms like entitlements and administrative expense—vote up or down on cutting spending.

I am saying what the Senator is doing is—the Senator is not using a scalpel. She is using a broad axe and giving a faceless bureaucrat downtown the right to wield that axe. I am not prepared to do that and that is the reason I am almost certain to give my colleagues another chance to vote for something a lot cleaner that everybody will understand; that is not going to cut veterans health care, that is not going to take away somebody's highway project, that is not going to give some faceless bureaucrat downtown the right to run this country.

It will be just a nice clean cut to take away the retroactive part of the deficit reduction package and do it in the neatest, cleanest way we can do it. I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I will just respond by saying if the Senator wants to vote for an amendment that will not cut highway projects, and will not cut veterans benefits, he can vote for my amendment. And I hope that the Senator will, because what I like most about this amendment is it does give the discretion to the agency heads to be able to choose, from within many categories of administrative costs, what their priorities are. We are not talking about a meat axe. We are talking about a scalpel. We are talking about $3 billion out of $101 billion in this category, across the board. So we are talking about a minuscule adjustment that could be made by an agency head.

I think it is quite reasonable for us to be right with the American people and take away the retroactivity in the tax bill by making these minor cuts and by giving so much discretion to the agency heads to do that.

Madam President, I yield the floor.

Mr. BYRD. Madam President, the amendment of the distinguished junior Senator from Texas is ill-conceived. It attempts to eliminate the retroactivity of certain taxes which were enacted as part of the reconciliation bill, and would pay for this loss of revenue by a reduction of $36 billion in administrative expenses of each Federal department or agency. In addition the amendment would reduce the discretionary outlay spending limits by $3 billion in fiscal year 1994; $6 billion in fiscal year 1995; and by $9 billion in each of fiscal years 1996, 1997, and 1998. Cuts of this magnitude would do further massive harm to that portion of the budget which funds not only our national defense, but our investments in infrastructure as well—our education programs, highways, transit, law enforcement, research and development, space exploration, environmental cleanup, and health programs at NIH. All of these programs will suffer further reductions if this amendment is agreed to.

Let me put this proposed cut into perspective. The conference report on the budget resolution set the discretionary spending allocation to the Appropriations Committees for fiscal year 1994 at $500,964,000,000 in budget authority and $538,757,000,000 in outlays. For fiscal year 1993, the comparable figures were $517,005,000,000 in budget authority and $547,489,000,000. The discretionary spending levels for 1994, therefore, are $16,041,000,000 in budget authority and $8,732,000,000 in outlays below the 1993 levels. These are not inflation-adjusted numbers. The 1994 levels were very difficult to achieve.

The 13 regular appropriation bills have now passed the Senate; eight have been signed by the President, and the balance are either in conference or are awaiting congressional action on conference reports. We do not need to alter the caps to accomplish this deficit reduction. The total budget authority and outlays in these 13 appropriations have set the limits, the Appropriations Committees have complied, and the conference reports on appropriations bills that we are sending to the President for fiscal year 1994 are meeting these deficit reduction goals. Discretionary spending has done its part for 1994 and will do so for the remaining years. Fiscal years 1995–98 have similarly difficult budget authority and outlay caps placed upon discretionary spending. Basically there is a hard freeze on all discretionary spending for these years.

The Senator, in introducing her legislation on October 7, 1993, likened the retroactive taxes to changing the rules in the middle of a football game. Yet, her amendment would have exactly that effect on discretionary appropriations after the fiscal year has begun. We made our allocations to the subcommittees based on the budget resolution conference report adopted on April 1, 1993. Now, nearly 8 months later, after 12 of the 13 appropriations bills have completed conference, the distinguished junior Senator from Texas wants to change the rules. It is the equivalent, to use her analogy, of changing the rules of last year's Super Bowl now, months after the game was played.

The Senator's amendment would make it impossible to consider

supplementals. If the committee is not permitted to retain funds allocated to it under the budget resolution conference report, an allocation which, as I have said, already contains extensive deficit reduction, the committee would have no resources for unforseen emergencies and natural disasters such as hurricanes, floods, tornadoes, and other urgent requirements that can occur during the fiscal year and which almost invariably do occur.

I hope my colleagues will resist this amendment as unsound.

Mr. PRESSLER. Madam President, I rise in strong support of this amendment to repeal the retroactive increase in income, estate, and gift tax rates made by the Budget Reconciliation Act, also known as the President's tax package. I commend the Senator from Texas, the Senator from Alabama, and the Senator from Oklahoma for providing this opportunity to set right a glaring fault in the tax package.

Under the guise of deficit reduction, the bill put into place the largest tax increase in history. The increase in taxes and user fees total more than $250 billion over 5 years. Included are increased rates on the income of individuals, higher taxes on gasoline and motor fuels, repeal of the cap on earnings subject to the Medicare payroll tax, and an increase in the percentage of Social Security benefits subject to income tax.

Spending cuts included in the tax measure total only $120 billion. The Congressional Budget Office confirms that while the deficit is expected to decline in the near term, it will go up again in 1997, reaching $360 billion in 2003. In fact, the President's tax package will add about $1 trillion to the national debt during the next 5 years.

I agree 100 percent with my colleague, the distinguished Senator from Texas, that we ought to repeal all of the $250 billion in new taxes included in this tax package. In any event, we should act today to repeal its retroactive tax provisions.

As ranking member of the Senate Small Business Committee, I am most concerned with the effect these tax hikes have on small businesses and the self-employed, including farmers and ranchers. Tax increases are bad enough. To make them retroactive is unconscionable. It is grossly unfair, particularly when there was no public awareness that the tax increase would be rolled back 7 months prior to enactment of the legislation. Small businesses and self-employed people struggle every day to meet payrolls, build a future, and, hopefully, earn a profit. A steep retroactive tax really is hazardous for many of them.

This amendment prevents the repeal of the retroactive taxes from adding to the deficit, by cutting Federal Government overhead expenses by $3 billion each year for fiscal years 1994, 1995, and 1996, and reduces the discretionary spending caps in each of the next 5 years. It is a fiscally sound proposal that cuts excessive Government spending to reduce the deficit, rather than impose an unfair extra tax burden on American taxpayers. In the cause of fairness, Madam President, I urge my colleagues to vote for repeal of the retroactive tax increase.

Mr. WARNER. Madam President, it used to be that the only things certain were death and taxes—well, now even that has changed. Do not get me wrong—people still die, but now the tax status of their estates are in jeopardy. Despite all their careful planning and extensive deliberating about how much to leave and to whom, even after they pass on the deceased cannot rest in peace with the knowledge that their worldly possessions will be distributed exactly as they had anticipated.

Further, our country is slowly working its way out of a recession. Forcing small businesses, the engines which are expected to fuel the economic recovery, to come up with extra funds to pay retroactive income taxes represents foolhardy economic policy. Three-fourths of all new jobs will be created by small businesses, and it is extremely short-sighted to tie their hands and expect them to come up with all this unanticipated money while simultaneously relying on them to jumpstart the economy.

The reason for these retroactive taxes is an extremely unfair, and possibly unconstitutional, provision in the recently passed Budget Reconciliation Act which makes estate, gift, and income taxes retroactive to January 1, 1993.

I am not here to debate the potential challenges to the constitutionality of this provision, as I will leave that to the attention of the numerous scholars studying that issue. I am simply here to say that I am pleased to be a cosponsor of the legislation Senator HUTCHINSON has introduced which would repeal the retroactive increases in income, estate, and gift tax rates, and I urge the Senate to adopt this amendment to the unemployment compensation bill which is before the Senate. Thank you Madam President.

Mr. RIEGLE. Madam President, I rise today to speak on the pending bill, H.R. 3167, extending the Emergency Unemployment Compensation Program.

When the Emergency Unemployment Compensation Program expired over 3 weeks ago, 2,500 Michigan workers were filing for EUC benefits every week. Every month, about 250,000 Americans are forced to turn to EUC benefits to support their families—which means that right now an estimated 187,000 Americans are without emergency benefits. This Senator is deeply frustrated that irrelevant tax amendments are being offered on this bill, seriously jeopardizing its passage, while thousands of families are suffering without emergency benefits.

Every day that goes by without EUC extension brings fear and frustration to those workers who have been unable to claim benefits since October 2. When H.R. 3167 was passed out of the other body 2 weeks ago, after a lengthy delay, many of us hoped that the bill would come straight to the floor for our vote. Instead, we have had to face a filibuster, to file a cloture motion postponing consideration until this week, and to waste time debating amendments irrelevant to the unemployment compensation issue.

Last March, we passed an extension that we hoped would be the last; unfortunately, poor economic circumstances have forced us to extend unemployment compensation once again. Today, a full 2 years since the Emergency Unemployment Compensation Program began, Americans are not that much better off and unemployment is still a terrible problem for too many in this country. In fact, the number of long-term unemployed persons has significantly increased—from an estimated 1,370,000 in 1991 to over 1,700,000 today. And as for arguments that unemployment is falling and EUC is no longer necessary, we need only to look at my State of Michigan where unemployment rates rose last month. These families must not be denied emergency benefits.

We need to pass comprehensive legislation to ensure that we have an unemployment compensation system in place that will not only help American workers financially, but also direct them into retraining programs and set them on the path to reemployment. I look forward to seeing the Clinton administration's final proposal for such a system early next year. In the meantime, extension of the Emergency Unemployment Compensation Program is critical to assisting those millions of American workers who are currently suffering from prolonged joblessness.

Madam President, the bill before us is not an ideal package by any means, but it accomplishes our No. 1 priority: assisting American workers and their families who are going through extreme hardship and desperate times.

Last Thursday night, just as the majority leader was forced to file a cloture motion, a phone call came in to my Washington office—the kind of call that has become all too common lately. A Michigan worker, who was laid-off last March, was deeply disturbed at watching his family suffer now that his benefits have run out. He spoke movingly of the guilt and depression, his unpaid mortgage and outstanding bills, desperate thoughts and shame. He wanted to know why we in Congress hadn't extended EUC—why it had been allowed to expire in the first place? I

can tell you that floor procedure, political maneuvering, and partisan amendments sound like pretty hollow excuses for letting this man's family, and thousands like them across the country, suffer such indignity and pain.

Extension of the Emergency Unemployment Compensation Program is long overdue. I urge my colleagues on both sides of the aisle: Put aside unrelated issues and differences, and focus on helping our unemployed workers. We need to pass this bill without further delay.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. What is the pending business?

The PRESIDING OFFICER (Mr. BREAUX). The pending business is H.R. 3167, the unemployment extension bill. The Hutchison amendment is the pending amendment to the legislation.

Mr. DOLE. I wish to take just a moment to rise in support of the Hutchison-Shelby amendment repealing the retroactive tax increases that became law in August but are effective back to January 1, 1993, 20 days before the present administration was sworn into office.

I said the same thing back in August, and I will say it again. These retroactive tax rate increases are unfair and cause an undue burden to businesses across the Nation. It is a disincentive for expansion of private business and job creation.

That is what this is all about, trying to create jobs, trying to create opportunities. It is an unfair tax. The retroactive tax rate increase included in the Budget Reconciliation Act of 1993 stifles small business in particular. Because the Federal Government has taxed them on income earned back to January 1, 1993, small businesses are hit with the additional burden of paying taxes on income that was already earned when the bill became law, income that may have been earmarked for expansion, for purchasing new equipment, or for hiring new employees.

Instead, these small businesses are now going to have to cut back on their plans, maybe even lay off some workers. And remember the old saying that the only sure things in life are death and taxes. Well, these retroactive tax rate increases go beyond that. They even apply to Americans who passed away since January by forcing their surviving family members to pay higher taxes. In other words, the estate tax rates are retroactive, too.

My distinguished colleagues, Senators HUTCHISON and SHELBY, should be commended for introducing this bipartisan amendment to repeal the retroactive income, estate, and gift tax rate increases included in this year's Budget Reconciliation Act.

Let us face it. It is bad policy, and it is fundamentally a step backwards if we are seriously committed to improving our economy and providing jobs for America.

I also want to respond just because the distinguished Senator from Arkansas, Mr. BUMPERS, my friend from Arkansas, indicated that BOB DOLE had these retroactive tax rate increases back in 1982. I wanted to set the record straight because it is important that we do keep the record straight from time to time.

I wish to remind the Senator from Arkansas that the Tax Equity and Fiscal Responsibility Act of 1982 did not raise tax rates retroactively. Back in August, while we were debating the President's tax plan, I asked the Joint Committee on Taxation to look at the top marginal tax rates back in 1981 to see if rates had ever gone up and gone up retroactively in that period of time.

Keep in mind, the 1981 act lowered the rates from 70 to 50 percent for unearned income. For earned income, the rates stayed at 50 percent.

In 1982, the top marginal rate again stayed at 50 percent. So there was not any retroactive tax rate increase. It is not accurate. We have already debated that. We debated it many times in August. It did not happen. It is not happening now. Therefore, I urge my colleagues to support this amendment.

I have also listened to all the horror stories about where all these spending cuts are coming from. The point is we are paying for this retroactive tax increase out of administrative costs. We have given the Office of Management and Budget the right to select where they are from, but it is not going to mean, as was indicated in the Chamber, there is going to be a loss of benefits to veterans and things of that kind. It will be cuts in administrative costs.

So I thank my colleagues, the distinguished Senators from Texas and Alabama, for their leadership on this very important issue. It has not been forgotten.

Many of my colleagues may think, well, only the rich pay retroactive taxes. That is not the case. It is business men and women who are out there creating jobs and opportunities for others and they pay retroactive taxes. To my understanding, it is about $10 billion that is just dragged out of the economy—that big sucking sound that Ross Perot refers to from time to time—$10 billion out of the pockets of business men and women across America which might be used to create jobs and opportunities and maybe pay increases, better retirement benefits, better health care. Now it is going to go to the Government, and the Government is going to decide how to spend it.

Mr. President, I hope that the amendment of Senators HUTCHISON and SHELBY will be adopted. I know it takes 60 votes because it is subject to a point of order, but I hope, with all the speeches I have heard about what a bad thing retroactive tax policy is, we all vote for the amendment.

Keep in mind, even though the Russians have not adopted their constitution yet, I think it is article 57 of the proposed Russian constitution which limits—in fact, it says very explicitly you cannot have retroactive taxes. So maybe we could borrow a bit from the Russian proposed constitution that may be ratified sometime after the December elections.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. DOLE. Mr. President, during the coming weeks, the course of this country's future as a leader in world trade and as a leader in opening new global markets may well be decided.

Before we leave for Thanksgiving, I expect Congress will have voted on the North American Free-Trade Agreement. Also, before December 15, the President must complete negotiations in the Uruguay round of what we call the GATT, General Agreement on Tariffs and Trade. These two monumental efforts to open markets, increase trade, and create jobs at home and around the world are threatened. They are threatened because small but vocal groups are still going full blast with a scare campaign. They want people to be scared of the future. These groups think preserving the status quo is worth forsaking growth and prosperity in the future.

For weeks, working with the President, I have been responding to this scare squad's outlandish claims, but our message, unfortunately, has not reached everyone. Some people still worry that NAFTA—and that is North American Free-Trade Agreement, not an auto parts chain—will somehow bring down our truck safety standards, or that NAFTA will somehow allow imports of substandard food products, or that NAFTA will send thousands of jobs to Mexico. These are all the things being alleged out there by those who oppose NAFTA.

I do not quarrel with anybody's views on NAFTA; they are entitled to their opinions, but they are not entitled to their facts. The facts are the facts. These are not facts.

There is nothing further from the truth. NAFTA does not compromise U.S. standards. The only way standards will be changed in the future is if we decide to do it. NAFTA does not affect our control over these decisions and NAFTA will create jobs, not destroy them.

What amazes me about the NAFTA is that every reputable economist agrees this is true. Maybe there are some out there, maybe you can find a few detractors, but again not based on politics, just as a fact, five former Presidents, starting with President Carter and President Ford and President Reagan and President Nixon and President Bush, plus President Clinton, support the agreement. The five former Presidents have no ax to grind. They have no profit if this passes. They have no political agenda, any agenda.

In fact, I asked one former President, "Why should we support it?" He said, "You ought to support it because it is the right thing to do." It creates jobs for Americans. It creates jobs for people in Mexico. It creates jobs for people in Canada. And as their economies get stronger and stronger, they will buy more and more and more from the United States of America.

Keep in mind that the three countries involved in the North American Free-Trade Agreement have a combined population of 370 million people, a combined economy of about $7 trillion. It will be the biggest trading bloc in the world. It will give us a lot of leverage.

Finally, we have other countries just waiting in line to become part of this agreement—Chile, Argentina, Venezuela, maybe other Central and South American countries—and in my view it is a win-win for us. I hope it is a win-win for Mexico.

We know that the Canadians, who know there is an election today, do not think it is a very good deal for them. They think it is a good deal for us. It is not just some people in America who think we have a bad deal.

There are people in each country who probably think it is a pretty fair agreement. There are areas that I do not like; areas that we are trying to change. In fact, I am working with the distinguished Senator from Montana in one area. And I hope he is successful.

So we do have some concerns about the free-trade agreement. Some of those matters cannot be changed, I do not believe, before the vote takes place.

So, if we will just take a look, I say to all these different economic thinkers and what has brought them together, that we are going to create jobs. And the only question in my view is how many. Most estimates start at 100,000, 200,000; some would say more. I do not know if that will be the case in the next 2 years. I hope so. I hope it creates more than that.

And I will not knowingly stand here, nor would anybody else in the Senate on the other side of the aisle, and vote to put somebody out of work. There may be some dislocation. There will be job retraining programs.

So it seems to me that, if we look over the past four decades of how we brought down the global barriers to trade, we have had an explosion in world trade, a rising standard of living, and we have been the beneficiary time after time.

We now face another opportunity, in my view, to recreate those results with the successful Uruguay round agreement. And again every reputable economist will tell you that a new GATT agreement will increase trade and create millions of new jobs worldwide. It will provide new opportunities to our services industry and bring their global activities under international rules for the first time. It will give added protection to the intellectual property rights, and will give our farmers new market access.

Mr. President, I am concerned that the people do not appreciate the real price of allowing NAFTA or GATT to fail. In my view, the price is very high. Allowing NAFTA to fail will cost all the new jobs that have been created with more open markets and more training opportunities. But that is not all. It includes the effect on our trading partners and their perception of the kind of leadership to expect in the future from the United States of America. Allowing NAFTA to fail amounts to a statement that we have lost our faith in the future, so must we cling to what we have today, build a fence around America and say everything is going to be OK, we do not want to trade with anybody, we want them to trade with us but we do not want to trade with them? We will be telling the world that even with respect to competing with our first and third largest trading partners—Canada is first, Mexico third, Japan is No. 2—that we have lost our nerve somehow.

Furthermore, allowing NAFTA to fail may well convince our trading partners that their best course is to abandon the GATT and head for the safety of closed trading blocs. I think that would be a big, big mistake, and we would be, I think, the most vulnerable of any industrial country in the world.

The price of losing GATT is equally high. Not for a long time will our trading partners be willing to negotiate with us again in good faith on such a broad range of new trade rules.

So, Mr. President, I think we could be throwing away a very historic opportunity. This is not a partisan issue. It was negotiated in the Republican administration. It is going to be implemented in a Democratic administration. I hope that my Republican House colleagues will take a hard look at this agreement and support it for the very reason that one former President told me: "It is the right thing to do." That is why we do it; it is the right thing to do.

We have been asked, why do you want to vote for this? If it fails, it might hurt President Clinton. That is not what we are here for, to hurt President Clinton. If this succeeds and President Clinton succeeds and America succeeds, that is what it is all about.

So I think I speak for most of my colleagues on the Republican side. We are in the homestretch of this debate. I hope that we will just take a look at the gains we are going to make and the losses we are going to incur if we turn our backs on these trade agreements.

It seems to me that all of us—some cannot support the agreement, some for good reasons. I do not question anyone's motives. I do not question the motives of those out there who say they cannot support it. But it seems to me that if they continue to look at it, continue to look at the facts, and continue to talk with the President and with Ambassador Cantor and others in this administration, with Democrat and Republican Members of the Congress, the people all across America—I had three meetings in my State, farmers and small business people. Each group indicated their public support following the meetings with the press conference in three areas of our State. I do not suggest everybody is for it in the State of Kansas. But I can suggest a great majority of the people are for it, once they understand it. And that is what is happening now.

I think it is fair to say that those who oppose NAFTA sort of had the upper hand. They started earlier, they were united, and they were against it. But having been for and against certain things over the years, it is always easier to be against something and say how bad it is, what it is going to do to America, cost us jobs, all the things that I have outlined in this case. I do not believe these are accurate statements.

So we hope to make a number of statements on the North American Free-Trade Agreement and what it means to the United States and what it means to the other countries.

I am reminded by some who are experts now that this means 700,000 jobs in America, for Americans, and these 700,000 are making products exported to Mexico. And every time $1 is spent in Mexico for imports, about 70 cents of that comes to the United States; not bad. So it seems to me that as we help improve the economy of Mexico, they are going to buy more from us and we will be the ultimate beneficiary.

Mr. BAUCUS. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield to my colleague.

Mr. BAUCUS. I would like to compliment the Senator from Kansas for his excellent statement.

Might I ask the Senator, as of now, how many Americans are concerned that perhaps some jobs might leave America and go to Mexico? Would the Senator tell us? Does Mexico have

more barriers to trade on our products, or do we have more barriers to Mexican products coming into the United States?

Mr. DOLE. I think that is a fundamental question. I say to the Senator from Montana—who is expert in the trade area and very helpful to all of us on the Finance Committee, and has been over the years—the barriers are going to be lower for Mexico than in past years. Ours are already lower.

I am told—and maybe the Senator from Montana can help me on this—that if this agreement is passed, we have an opportunity to sell about $1 billion worth of automobiles in the first year because they are going to cut their tariffs from 20 percent to 10 percent and phase out the 10 percent over 10 years, which would create I do not know how many jobs. It will have to create some jobs. But it certainly creates some opportunities.

Mr. BAUCUS. I compliment the Senator. He is exactly right. In fact, the Department of Commerce said the figure is about $2 billion of additional auto sales that the United States would send to Mexico per year in the first year of passage of NAFTA; $1 billion in truck sales and $1 billion in auto sales.

Mr. DOLE. Well, if it is $1 billion, it is 15,000 jobs. I fail to understand—and I understand the union certainly has the right to oppose—but I do not understand how the UAW with all these new opportunities—I hope they will take a look at it. There is still time for people to change their minds. I think we share the same view.

Mr. BAUCUS. If I can ask the Senator one more question. Are the problems that the United States now has with respect to the potential plants and jobs moving to Mexico, are these problems that NAFTA has created, or are these problems that NAFTA will address to us all?

Mr. DOLE. These are problems that are going to be eliminated if NAFTA is agreed to. People can go to Mexico now. I think people should take a look at what happened just in the past few weeks with countries locating in America. They could have gone to Mexico. They could have gone to Mexico if they were looking for cheap labor that the opponents talk about. They chose to come to America. They know we have greater productivity. They know that there are a lot of things in addition to the wages that do not add up when we talk about Mexico's wages.

So I think, for the reasons that I have stated and the reasons I have heard the Senator from Montana state on the Senate floor, this is an opportunity for us that we should not let pass.

Again, I urge my House colleagues on the Republican side of the aisle, this is a time to take a look at this agreement and vote for it because it is the right thing to do. Hopefully, there will be broad bipartisan support there, as I believe we will have if it reaches the Senate sometime in November.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I am authorized to state this has been cleared by the Republican leader.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 480. John J. Hamre, to be comptroller of the Department of Defense;

Calendar 481. Those officers named to be brigadier general of the Air Force;

Calendar 482. Lt. Gen. Gordon E. Fornell, to be lieutenant general;

Calendar 483. Maj. Gen. Charles E. Franklin, to be lieutenant general;

Calendar 484. Lt. Gen. John B. Conaway, to be lieutenant general;

Calendar 485. Lt. Gen. Richard Hawley, to be lieutenant general;

Calendar 486. Maj. Gen. Richard B. Myers, to be lieutenant general;

Calendar 487. Col. (B.G. sel) Andrew M. Egeland, Jr., to be Deputy Judge Advocate General, U.S. Air Force;

Calendar 488. Brig. Gen. Donald W. Shepperd, to be major general;

Calendar 489. Those officers named to be major general and brigadier general of the U.S. Air Force;

Calendar 490. Those officers named to be major general and brigadier general of the U.S. Army;

Calendar 491. Col. William C. Bilo, to be brigadier general;

Calendar 492. Lt. Gen. Horace G. Taylor; to be lieutenant general;

Calendar 493. Maj. Gen. Paul E. Funk, to be lieutenant general;

Calendar 494. Lt. Gen. William G. Pagonis, to be lieutenant general;

Calendar 495. Those officers named to be rear admiral in the U.S. Navy;

Calendar 496. Those officers named to be rear admiral in the U.S. Navy; and

Calendar 497. Rear Adm. Robert J. Spane, to be vice admiral.

All nominations placed on the Secretary's desk in the Air Force, Army, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en block are as follows:

DEPARTMENT OF DEFENSE

John J. Hamre, of South Dakota, to be comptroller of the Department of Defense.

IN THE AIR FORCE

The following-named officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. Andrew M. Egeland, Jr., [redacted], Regular Air Force. Col. William M. Guth, [redacted] Regular Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Gordon E. Fornell, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles E. Franklin, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John B. Conaway, [redacted], U.S. Air Force.

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Richard E. Hawley, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Richard B. Myers, [redacted], U.S. Air Force.

The following-named officer for appointment in the U.S. Air Force to the position and grade indicated, under the provisions of title 10, United States Code, section 8037:

To be deputy judge advocate general of the United States Air Force

Col. (B.G. sel) Andrew M. Egeland, Jr. [redacted] U.S. Air Force.

The following-named officer for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of sections 593, 8351, and 8374, title 10, United States Code:

To be major general

Brig. Gen. Donald W. Shepperd, [redacted], Air National Guard of the United States.

The following-named officers for appointment in the Reserve of the Air Force, to the

grade indicated, under the provisions of sections 593, 8218, 8351, and 8374, title 10, United States Code:

To be major general

Brig. Gen. Alan T. Reid, xxx-xx-xxxx Air National Guard of the United States.
Brig. Gen. Glen W. Van Dyke xxx-xx-xxxx Air National Guard of the United States.
Brig. Gen. John M. Wallace, xxx-xx-xxxx Air National Guard of the United States.

To be brigadier general

Col. Timothy J. Griffith xxx-xx-xxxx Air National Guard of the United States.
Col. Irene Trowell-Harris, xxx-xx-xxxx Air National Guard of the United States.
Col. William A. Henderson, xxx-xx-xxxx Air National Guard of the United States.
Col. Kenneth U. Jordan xxx-xx-xxxx Air National Guard of the United States.
Col. David L. Ladd, xxx-xx-xxxx Air National Guard of the United States.
Col. Daniel F. Lopez, xxx-xx-xxxx Air National Guard of the United States.
Col. Theodore F. Mallory, xxx-xx-xxxx Air National Guard of the United States.
Col. Ronald E. McGlothlin, xxx-xx-xxxx Air National Guard of the United States.
Col. Ronald J. Riach, xxx-xx-xxxx Air National Guard of the United States.
Col. David M. Rodrigues, xxx-xx-xxxx Air National Guard of the United States.
Col. Guy S. Tallent, xxx-xx-xxxx Air National Guard of the United States.
Col. Larry R. Warren, xxx-xx-xxxx Air National Guard of the United States.
Col. Gale O. Westburg, xxx-xx-xxxx Air National Guard of the United States.

IN THE ARMY

The U.S. Army National Guard officers named herein for appointment in the Reserve of the Army for the United States in the grades indicated below, under the provisions of title 10, United States Code, sections 593(a), 3385 and 3392;

To be major general

Brig. Gen. Fred H. Casey, xxx-xx-xxxx
Brig. Gen. Michael W. Davidson xxx-xx-xxxx xxx...
Brig. Gen. Gerald A. Miller xxx-xx-xxxx
Brig. Gen. Gary J. Whipple xxx-xx-xxxx

To be brigadier general

Col. Alexander H. Burgin xxx-xx-xxxx
Col. Joseph W. Camp, Jr. xxx-xx-xxxx
Col. Donald M. Ewing, xxx-xx-xxxx
Col. Wayne C. Majors, xxx-xx-xxxx
Col. Gary D. Maynard xxx-xx-xxxx
Col. Walter F. Pudlowski, Jr. xxx-xx-xxxx
Col. Allen J. Strawbridge, Jr. xxx-xx-xxxx
Col. Morris L. Pippin xxx-xx-xxxx
Col. Philip H. Pushkin xxx-xx-xxxx
Col. Harold E. Bowman, xxx-xx-xxxx
Col. Thomas E. Buck, xxx-xx-xxxx
Col. Bernard J. Cahill xxx-xx-xxxx
Col. Carroll D. Childers xxx-xx-xxxx
Col. Jose A. Diaz, xxx-xx-xxxx
Col. John A. Hays, xxx-xx-xxxx

To be brigadier general

Col. John L. Jones xxx-xx-xxxx
Col. Gary E. LeBlanc, xxx-xx-xxxx
Col. Thomas L. McCullough xxx-xx-xxxx
Col. Roger E. Rowe, xxx-xx-xxxx
Col. Errol H. Van Eaton xxx-xx-xxxx
Col. Edison O. Hayes xxx-xx-xxxx
Col. Eugene L. Richardson xxx-xx-xxxx
Col. Robert V. Taylor xxx-xx-xxxx
Col. Alfred E. Tobin, xxx-xx-xxxx

The following-named U.S. Army National Guard officer for promotion to the grade of brigadier general in the Reserve of the Army of the United States under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. William C. Bilo, xxx-xx-xxxx Army National Guard.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Horace G. Taylor, xxx-xx-xxxx, United States Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Paul E. Funk, xxx-xx-xxxx United States Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. William G. Pagonis, xxx-xx-xxxx, United States Army.

IN THE NAVY

The following-named rear admirals (lower half) in the staff corps of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

MEDICAL CORPS

To be rear admiral

Rear Adm. (lh) Richard Ira Ridenour, 261–72–2419, U.S. Navy.
Rear Adm. (lh) Frederic Goodman Sanford, xxx-xx-xxxx U.S. Navy.

SUPPLY CORPS

To be rear admiral

Rear Adm. (lh) John Thomas Kavanaugh, xxx-xx-xxxx U.S. Navy.

The following-named rear admirals (lower half) in the line of the Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) Lloyd Edward Allen, Jr., xxx-xx-xxxx U.S. Navy.
Rear Adm. (lh) Dennis Cutler Blair, xxx-xx-x... xxx... U.S. Navy.
Rear Adm. (lh) Steven Russell Briggs xxx... xxx-xx-... U.S. Navy.
Rear Adm. (lh) Archie Ray Clemins, xxx-x... xxx-... U.S. Navy.
Rear Adm. (lh) Dennis Ronald Conley xxx-x... xxx-xx-... U.S. Navy.
Rear Adm. (lh) Harold Webster Gehman, Jr. xxx-xx-xxxx U.S. Navy.
Rear Adm. (lh) William John Hancock xxx-x... xxx-xx-... U.S. Navy.
Rear Adm. (lh) George Arthur Huchting, xxx-xx-xxxx U.S. Navy.
Rear Adm. (lh) Dennis Alan Jones, xxx-xx-... xxx... U.S. Navy.
Rear Adm. (lh) Michael Allen McDevitt, xxx-xx-xxxx U.S. Navy.
Rear Adm. (lh) Daniel Trantham Oliver, xxx-xx-xxxx U.S. Navy.
Rear Adm. (lh) James Blenn Perkins, III, xxx-xx-xxxx U.S. Navy.
Rear Adm. (lh) Donald Lee Pilling xxx-xx-xx... xxx... U.S. Navy.
Rear Adm. (lh) Norman Wilson Ray xxx-xx-x... xxx... U.S. Navy.
Rear Adm. (lh) Richard Anderson, Riddell, xxx-xx-xxxx U.S. Navy.

ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (lh) Arthur Clark, xxx-xx-xxxx, U.S. Navy.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (lh) William John Tinston, Jr., xxx-xx-xxxx U.S. Navy.

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Robert J. Spane, xxx-xx-xxxx, U.S. Navy.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, AND NAVY

Air Force nomination of Charles J. Dunlap, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1993.

Air Force nominations beginning Joan M. Abelman, and ending Gary J. Woods, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1993.

Air Force nominations beginning Linden C. Adams, and ending Michael A. Zrostlik, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1993.

Air Force nominations beginning Maj. Eleanor W. Bailey xxx-xx-xxxx and ending Maj. Norman C. Hendrickson, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 4, 1993.

Army nominations beginning Mary E. Abt, and ending Richard D. Whitten, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1993.

Army nominations beginning Richard S. Park, and ending Robert F. Tyree, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 4, 1993.

Army nominations beginning George L.* Adams, and ending Harry M.* Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 4, 1993.

Navy nominations beginning Steven James Ahlberg, and ending Robert Michael Stolarz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1993.

Navy nominations beginning Gregory Hugh Adkisson, and ending Dennis Samuel Curry, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1993.

Navy nominations beginning Dave Ray Adamson, and ending William John Zuchero, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1993.

Navy nominations beginning Michael Hunte Anderson, and ending Nicholas Francis Zeoli, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1993.

Navy nominations beginning Wayne Thomas Aaberg, and ending Daniel Paul Zelesnikar, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1993.

Navy nominations beginning Robert A. Alonso, and ending Dick Dean Turnwall, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 22, 1993.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

JOINT REFERRAL OF A NOMINATION

Mr. MITCHELL. As if in executive session, I ask unanimous consent that the nomination of Preston M. Taylor, Jr., to be Assistant Secretary of Labor for Veterans' Employment and Training, be jointly referred to the Committees on Labor and Human Resources and Veterans' Affairs. This has been cleared by the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on October 22, 1993, during the recess of the Senate, received a treaty from the President of the United States; which was referred to the Committee on Foreign Relations.

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 5 p.m., a message from the House of Representatives, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 328. An act to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico;

H.R. 2491. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2519. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal years ending September 30, 1994, and for other purposes;

H.R. 2750. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes; and

H.J. Res. 228. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of Romania.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN:

S. 1581. A bill to establish a Federal Rapid Deployment Force made up of Federal law enforcement personnel that States and localities could call upon for temporary assistance in battling violent crime caused by or exacerbated by the interstate flow of drugs, guns and criminals; to provide increased support for Federal-State anti-drug and anti-violence task forces; to authorize the President to declare violent crime and drug emergency areas; to provide a program to assist discharged members of the Armed Forces obtain training and employment as law enforcement personnel and as managers and employees with public housing authorities and management companies; to establish a Police Corps program; to study antiloitering statutes and design a model statute; to establish a national commission on violent crime; and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1582. A bill to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Court of Appeals Building", and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 1583. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1584. A bill to designate the United States courthouse located in Houma, Louisiana, as the "George Arceneaux, Jr., United States Courthouse", and for other purposes; to the Committee on Environment and Public Works.

By Mr. SIMON (for himself and Mr. COATS):

S. 1585. A bill to provide for the establishment of the Ohio River Corridor Study Commission, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. KERRY):

S. Res. 155. A resolution commending the Government of Italy for its commitment to halting software piracy; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 1581. A bill to establish a Federal Rapid Deployment Force made up of Federal law enforcement personnel that States and localities could call upon for temporary assistance in battling violent crime caused by or exacerbated by the interstate flow of drugs, guns, and criminals; to provide increased support for Federal-State anti-drug and antiviolence task forces; to authorize the President to declare violent crime and drug emergency areas; to provide a program to assist discharged members of the Armed Forces obtain training and employment as law enforcement personnel and as managers and employees with public housing authorities and management companies; to establish a Police Corps program; to study antiloitering statutes and design a model statute; to establish a national commission on violent crime; and for other purposes; to the Committee on the Judiciary.

VIOLENT CRIME REDUCTION ACT OF 1993

• Mr. LIEBERMAN. Mr. President, I believe that the first duty of government is to secure the safety of its citizens. We are sorely failing in that duty.

In August, I spent 2 weeks visiting with police, prosecutors, citizens groups, State and local leaders, prison officials, judges, social service organizations, and school officials in Connecticut to talk about crime and violence. I met with residents of communities who, like residents of so many cities and towns across the Nation, are simply afraid to come out of their homes and go about the business of their daily lives. The cruel and often random violence of gangs and thugs now dictate the patterns of how they live in ways we couldn't have imagined 20 years ago.

To one degree or another, that has become true for every citizen of this country. Violence and fear of violence is forcing every one of us to compromise our freedoms on a daily basis. This is not surprising when you consider that, according to the FBI's latest statistics, one violent crime happens every 22 seconds, one murder happens every 22 minutes, one rape every 5 minutes, one aggravated assault every 28 seconds, one motor vehicle theft every 20 seconds, one robbery every 47 seconds.

Our State and local police are simply overwhelmed. They are battling heavily armed, brutal gangs who barely blink before murdering and maiming their enemies, and who seem to care less if they spray bullets into crowds of innocent people. The young ages of these gang members and the raw cruelty of their crimes is chilling and unprecedented.

It is time to recognize that the Federal Government must play a more active role in crime fighting. While State

and local governments have for historical reasons been principally responsible for crime control, the situation is simply out of hand. More and more crime involves drugs and weapons that are transported over State lines and gangs are increasingly national in scope.

Mr. President, I am introducing today the Violent Crime Reduction Act of 1993. It is founded on the principle that a firm national response is warranted. It builds on what I learned while surveying police, prosecutors, citizens groups, and others this summer, and it grows out of my own experiences as a State attorney general, and as a citizen who lives in a community that is hard-hit by violent crime. The people of America are asking for our help, and the time has come to send more than money.

My bill would give the President the power to declare violent crime or drug emergencies in States and local communities that are facing a sudden upsurge or a particularly overwhelming problem with violent crime or drugs. Once an area is designated, the President could then direct Federal agencies to provide emergency Federal assistance to supplement, on a temporary basis, State and local efforts to save lives and to protect property, public health, and safety. That assistance could come in the form of equipment, supplies, facilities, and managerial, technical and advisory services, including communications support and law enforcement-related intelligence information or, as outlined in two other provisions of the bill, small or large units of Federal law enforcement personnel. Requests for declaration of an emergency in an area would have to be made in writing by the Governor and chief executive officer of any affected State and local government, and the President would have to act on that request within 30 days.

Under my bill, a new unit of 2,500 Federal law enforcement officers, the Federal Law Enforcement Rapid Deployment Force, would be at the President and the Attorney General's disposal. The unit, or part of the unit, could be deployed rapidly wherever a show of force is necessary to bring order to and stabilize a community. The unit members, many of whom could be drawn from the ranks of the FBI, DEA, BATF, and the Marshals Service, would not only assist local police with investigations and arrests, but would patrol the streets with local law enforcement. The unit could be structured on principles borrowed from our military, so that members who are on duty away from home could work intensely for fixed periods and be replaced by other members of the unit.

Following the Los Angeles riots, residents of the hardest hit neighborhoods reportedly commented that they never felt as safe and secure as they did when the National Guard was patrolling their streets. People sat on their porches and front steps in the evenings, enjoying their neighborhoods as they hadn't been able to do in many years. Recently, the Governor of Puerto Rico has deployed the National Guard in San Juan and the Mayor of the District of Columbia is pleading for their help here.

I recognize that calling out the National Guard or using military personnel to fight crime is controversial and that the latter would require fundamental changes in our laws. But we should take a close look at what has happened in Puerto Rico and see if there is reason to replicate it elsewhere and on a larger scale.

In Connecticut, the State police where called in last month to bolster local police when a gang war erupted in Hartford. The extra manpower was welcomed by the residents of the affected neighborhoods, some of whom had even kept their children home from school to avoid the violence. Not only did the State police help local police with investigations and arrests, but their sheer physical presence on the streets helped restore order and the confidence of law-abiding citizens. I would hope my proposal to create a Federal Law Enforcement Rapid Deployment Force would be similarly successful nationally.

During my informal survey this summer of the criminal justice system and crime and violence in Connecticut, I found nearly unanimous praise for the Federal-State-local task forces that have made real inroads against some of the worst gangs and criminals. My bill provides additional support for those task forces by authorizing additional funds for the FBI, DEA, BATF, and U.S. attorneys offices. The task forces allow strapped local police departments to devote the long-term resources necessary to conduct the kind of investigations that can target leaders of the gangs and other violent criminals. Many of the task forces have been established administratively and been funded in part with dwindling receipts from asset forfeitures. We need to provide them with the solid funding they need to expand their good work.

It is important that U.S. attorneys offices be included in the task forces because there is evidence that criminals do know that when Federal laws are broken, stiff penalties will result. In New Haven, where a Federal task force was particularly successful, gang members were overheard on a wiretap planning their activities to avoid bringing in the Feds. Not only are Federal sentences tougher, but because there is more space at Federal prisons more criminals serve their full sentences.

My bill includes two provisions that acknowledge that we simply have to build more prisons to relieve State prison overcrowding and to figure out how to do so more efficiently. My bill incorporates last year's conference report provisions on regional prisons. It would create 10 new regional prisons to which violent Federal and State prisoners could be sent for intensive drug rehabilitation. Eighty percent of the beds would be reserved for State prisoners. Another provision would direct the Bureau of Prisons to evaluate standardized construction plans, technologies, materials, and techniques for prisons in order to reduce prison costs.

I also believe strongly that we need to take advantage of a great, newly available national resource—the servicemen and women who won the cold war for us and who are leaving the military earlier than expected because of downsizing. In September, I introduced legislation, S. 1500, to make permanent a pilot program funded by Health and Human Services to train and place ex-GI's in public housing projects as public housing managers and role models. Senators DECONCINI, KASSEBAUM, BOXER, and WOFFORD have joined me as cosponsors. The program, called LEAP, has been a great success and I have included it in this legislation. I have also included an expanded version of LEAP that would direct the FBI and the National Institute of Justice to train and place at least 1,000 recently retired or discharged military personnel in law enforcement careers. Any States applying for Federal grants will be required to hire additional police should give priority to hiring ex-GI's trained under this program.

In addition, my bill would strengthen another little-known, but successful program known as the Serious Habitual Offender Comprehensive Action Program [SHOCAP] which helps local law enforcement identify serious, repetitive, violent juvenile offenders and focus their resources on getting them off the streets. Juvenile justice systems are breaking under the weight of the rise in violent juvenile crime. SHOCAP provides local police, prosecutors, schools, probation, corrections, and social service organizations with the procedural tools and information necessary to go after chronic juvenile offenders. Currently SHOCAP offers technical training and assistance to interested local governments. My bill expands the SHOCAP program by reviving the demonstration project component of the program and so allowing 10 more cities or towns to receive grants to apply the SHOCAP principles.

My bill also provides financial incentives to States to enact 20 year mandatory minimum sentences without the possibility of parole for violent repeat offenders who commit an offense using a gun. We can and should strengthen Federal penalties, but the bulk of criminal arrests and prosecutions will continue to be made under State law. We need to encourage States to go

after the violent career criminals who are responsible for an extraordinary proportion of the crimes that are committed.

I also think it is about time we examine the use of antiloitering laws as a tool to eradicate open-air drug markets and other blatant criminal activity. Antiloitering laws properly fell into disfavor during the civil rights era when they were used discriminatorily. My bill directs the Department of Justice's National Institute of Justice to determine how antiloitering laws can be used, without violating the constitutional rights of any citizens, and to develop a model antiloitering statute that communities could consider for adoption. It is absurd that police can do nothing to disperse a crowd of teenagers hanging around a street corner at 2 in the morning in subfreezing weather when they know drug deals are taking place.

My bill also contains some familiar and important proposals that I have supported since joining the Senate, like the Police Corps—a ROTC-style scholarship program that encourages college students to choose law enforcement careers and helps police officers continue their educations. The bill also creates a grants program that specifically supports victim notification programs. We have in place victim assistance programs, but none that is focused exclusively on helping States and localities set up systems to keep victims informed when alleged offenders are released before trial or when convicted criminals are released on parole or at the end of their sentences.

Reducing the hold that crime and fear of crime has on the daily lives of virtually all Americans should be one of our highest priorities as a nation. Crime has diminished all of our lives. We need to retrieve our freedom.

I invite my colleagues to support the Violent Crime Reduction Act of 1993, and ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Reduction Act of 1993".

TITLE I—INCREASE IN THE NUMBER OF TRAINED LAW ENFORCEMENT PERSONNEL

Subtitle A—Rapid Deployment Strike Force

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—The Attorney General shall establish in the Federal Bureau of Investigation a unit, to be known as the Rapid Deployment Force, which shall be made available to assist units of local government in combatting crime in accordance with this subtitle.

(b) ASSISTANT DIRECTOR.—The Rapid Deployment Force shall be headed by a Deputy Assistant Director of the Federal Bureau of Investigation (referred to as "Deputy Assistant Director").

(c) PERSONNEL.—

(1) IN GENERAL.—The Rapid Deployment Force shall be comprised of approximately 2,500 Federal law enforcement officers with training and experience in—

(A) investigation of violent crime, drug-related crime, criminal gangs, and juvenile delinquency; and

(B) community action to prevent crime.

(2) REPLACEMENT.—To the extent that the Rapid Deployment Force is staffed through the transfer of personnel from other entities in the Department of Justice or any other Federal agency, such personnel of that entity or agency shall be replaced through the hiring of additional law enforcement officers.

SEC. 102. DEPLOYMENT.

(a) IN GENERAL.—On application of the Governor of a State and the chief executive officer of the affected local government or governments (or, in the case of the District of Columbia, the mayor) and upon finding that the occurrence of criminal activity in a particular jurisdiction is being exacerbated by the interstate flow of drugs, guns, and criminals, the Deputy Assistant Director may deploy on a temporary basis a unit of the Rapid Deployment Force of an appropriate number of law enforcement officers to the jurisdiction to assist State and local law enforcement agencies in the investigation of criminal activity.

(b) APPLICATION.—An application for assistance under this section shall—

(1) describe the nature of the crime problem that a local jurisdiction is experiencing;

(2) describe, in quantitative and qualitative terms, the State and local law enforcement forces that are available and will be made available to combat the crime problem;

(3) demonstrate that such State and local law enforcement forces have been organized and coordinated so as to make the most effective use of the resources that are available to them, and of the assistance of the Rapid Deployment Force, to combat crime;

(4) demonstrate a willingness to assist in providing temporary housing facilities for members of the Rapid Deployment Force;

(5) delineate opportunities for training and education of local law enforcement and community representatives in anticrime strategies by the Rapid Deployment Force;

(6) include a plan by which the local jurisdiction will prevent a rebound in the crime level following departure of the Rapid Deployment Force from the jurisdiction; and

(7) such other information as the Deputy Assistant Director may reasonably require.

(c) CONDITIONS OF DEPLOYMENT.—The Deputy Assistant Director, upon consultation with the Attorney General, may agree to deploy a unit of the Rapid Deployment Force to a State or local jurisdiction on such conditions as the Deputy Assistant Director considers to be appropriate, including a condition that more State or local law enforcement officers or other resources be committed to dealing with the crime problem.

(d) DEPUTIZATION.—Members of the Rapid Deployment Force who are deployed to a jurisdiction shall be deputized in accordance with State law so as to empower such officers to make arrests and participate in the prosecution of criminal offenses under State law.

SEC. 103. LEAVE SYSTEM.

Notwithstanding the provisions of subchapter I of chapter 63 of title 5, United States Code, the Attorney General of the United States shall, after consultation with the Director of the Office of Personnel Management, establish, and administer an annual leave system applicable to the Federal law enforcement officers serving in the Rapid Deployment Force.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $25,000,000 for fiscal year 1995;

(2) $100,000,000 for fiscal year 1996; and

(3) $150,000,000 for fiscal year 1997.

Subtitle B—Federal-State Anti-Drug and Anti-Violence Task Forces

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1995, in addition to any other funds that may otherwise be made available for the purpose, $150,000,000 for the support and expansion of Federal-State anti-drug and anti-violence task forces participated in by the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, and Firearms and United States Attorneys Offices with State and local law enforcement agencies and prosecutors for the purposes of—

(1) enhancing interagency coordination of activities in the provision of intelligence information;

(2) facilitating multijurisdictional investigations; and

(3) aiding in the investigation, arrest, and prosecution of drug traffickers and violent criminals.

Subtitle C—Police Corps Program

SEC. 121. PURPOSES.

The purposes of this subtitle are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol; and

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

SEC. 122. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under this subtitle shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this subtitle;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program; and

(4) meet the requirements of section 129.

SEC. 123. DEFINITIONS.

In this subtitle—

"academic year" means a traditional academic year beginning in August or September and ending in the following May or June.

"dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least

one-half of the child's support (excluding educational expenses), as determined by the Director.

"Director" means the Director of the Office of the Police Corps appointed under section 124.

"educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree in legal- or criminal justice-related studies; or

(B) a course of graduate study in legal- or criminal justice-related studies following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"participant" means a participant in the Police Corps program selected pursuant to section 125.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

"State Police Corps program" means a State police corps program that meets the requirements of section 129.

SEC. 124. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps shall be headed by a Director, who shall be appointed by the President by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in this subtitle and shall have authority to promulgate regulations to implement this subtitle.

SEC. 125. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—

(1) IN GENERAL.—The Director may award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2) AMOUNT.—(A) Except as provided in subparagraph (B), each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(3) SATISFACTORY PROGRESS.—Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4) DIRECT PAYMENT.—(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Director may make payments to a participant to reimburse the participant for the costs of educational expenses if the participant agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2) AMOUNT.—(A) A payment made pursuant to paragraph (1) for an academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during the year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any 1 student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study; and

(2) if a participant has enrolled in the program upon or after transfer to a 4-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—

(1) IN GENERAL.—Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director that contains assurances that the participant will—

(A) after successful completion of a baccalaureate program and training as prescribed in section 127, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed 1 or more graduate courses (in the case of graduate study); and

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 127; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent per annum or 4 percent above the prime rate, whichever is higher, if the conditions of subparagraphs (A) and (B) are not complied with.

(2) DEATH OR DISABILITY.—(A) A recipient of a scholarship or payment under this section shall not be considered to be in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) If a scholarship recipient is unable to comply with the repayment provision set forth in paragraph (1)(C) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—

(1) SCHOLARSHIP ASSISTANCE.—A dependent child of a law enforcement officer—

(A) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(B) who is not a participant in the Police Corps program, but

(C) who serves in a State for which the Director has approved a Police Corps plan, and

(D) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any institution of higher education.

(2) NO REPAYMENT.—A dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided under this subsection.

(f) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

SEC. 126. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—

(1) IN GENERAL.—In order to participate in a State Police Corps program, a participant shall—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 129(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract with the consent of the participant's parent or guardian if the participant is a minor to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2) TEMPORARY AVAILABILITY FOR EXPERIENCED APPLICANTS.—(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 128, and such a participant shall be subject to the same benefits and obligations under this subtitle as other participants (including those stated in subsection (b)(1) (E) and (F)).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 128, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) NUMBER OF PARTICIPANTS.—(A) It is the intent of Congress in this subtitle that there shall be no more than 20,000 participants in each graduating class.

(B) The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall ensure, as nearly as possible, that there are annual graduating classes of 20,000.

(C) In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—

(1) CONDITION.—An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, an institution of higher education—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) REVOCATION OF ACCEPTANCE.—If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—

(1) FROM STUDY, TRAINING, OR SERVICE.—(A) A participant in a State Police Corps program who requests a leave of absence from educational study, training, or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(B) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(2) FROM STUDY OR TRAINING.—A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official religious mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 127. POLICE CORPS TRAINING.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—(A) The Director shall establish programs of training for Police Corps participants.

(B) Such programs may be carried out at up to 3 training centers established and administered by the Director or at State training facilities under contract.

(C) The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subtitle.

(2) CONTRACTS FOR SERVICES.—The Director may enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(3) AGREEMENTS WITH FEDERAL AGENCIES.—The Director may enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) EXPENDITURES.—The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—

(1) IN GENERAL.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year.

(2) PARTICIPANTS ENTERING AFTER SOPHOMORE YEAR.—If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 128 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 128. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program under section 127 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service and result in denial of educational assistance under section 125—

(1) the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service; and

(2) if such service is satisfactorily completed, section 125(d)(1)(C) shall not apply.

(d) LAYOFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 125—

(1) the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service; and

(2) if such service is satisfactorily completed, section 125(d)(1)(C) shall not apply.

SEC. 129. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 126;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study,

under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a State or local police force—

(A) the average size of which has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) ensure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 129A. ASSISTANCE TO STATES AND LOCALITIES EMPLOYING POLICE CORPS OFFICERS.

Each jurisdiction directly employing Police Corps participants during the 4-year term of service prescribed by section 128 shall receive $10,000 on account of each such participant at the completion of each such year of service, but—

(1) no such payment shall be made on account of service in any State or local police force—

(A) the average size of which, in the year for which payment is to be made, not counting Police Corps participants assigned under section 129, has declined more than 2 percent since January 1, 1993; or

(B) which has members who have been laid off but not retired; and

(2) no such payment shall be made on account of any Police Corps participant for years of service after the completion of the term of service prescribed in section 128.

SEC. 129B. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of current and past participants in the Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program; and

(3) describe the progress of the Police Corps program and make recommendations for changes in the program.

SEC. 129C. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $100,000,000 for each of fiscal years 1995 and 1996 and such sums as are necessary for fiscal years 1997, 1998, and 1999.

Subtitle D—Law Enforcement Scholarship and Employment Program

SEC. 131. PURPOSE.

The purpose of this subtitle is to assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 132. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Law Enforcement Scholarship and Employment program under this subtitle shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this subtitle;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program; and

(4) meet the requirements of section 138.

SEC. 133. DEFINITIONS.

In this subtitle—

"Director" means the Director of the Bureau of Justice Assistance in the Department of Justice.

"educational expenses" means—

(A) expenses that are directly attributable to—

(i) a course of education leading to the award of an associate degree;

(ii) a course of education leading to the award of a baccalaureate degree; or

(iii) a course of graduate study following award of a baccalaureate degree; and

(B) includes the cost of tuition, fees, books, supplies, and related expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"law enforcement position" means employment as an officer in a State or local police force, or correctional institution.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 134. ALLOTMENT.

Of amounts appropriated under section 139C, the Director shall allot—

(1) 80 percent to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all of the States; and

(2) 20 percent to States on the basis of the shortage of law enforcement personnel and the need for assistance under this subtitle in the State compared to the shortage of law enforcement personnel and the need for assistance under this subtitle in all States.

SEC. 135. SCHOLARSHIP AND EMPLOYMENT PROGRAM.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—A State that receives an allotment under section 134 shall use the allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment for a period not to exceed 1 year.

(2) EMPLOYMENT.—The employment described in paragraph (1)(B)—

(A) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement;

(B) shall not be in a law enforcement position; and

(C) shall consist of performing meaningful tasks that inform students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State that receives an allotment under section 134 the Federal share of the cost of the activities described in the application submitted pursuant to section 138.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this subtitle shall be supplied from sources other than the Federal Government.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this subtitle and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue regulations implementing this subtitle.

(d) ADMINISTRATIVE EXPENSES.—A State that receives an allotment under section 134 may use not more than 8 percent of the amount of the allotment for administrative expenses.

(e) SPECIAL RULE.—A State that receives an allotment under section 134 shall ensure that each scholarship recipient under this subtitle is compensated at the same rate of pay and benefits and enjoys the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(f) SUPPLEMENTATION OF FUNDING.—Funds received under this subtitle shall be used only to supplement, and not to supplant, Federal, State, and local efforts for recruitment and education of law enforcement personnel.

SEC. 136. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—A scholarship awarded under this subtitle shall be for a period of 1 academic year.

(b) USE OF SCHOLARSHIPS.—A scholarship recipient under this subtitle may use the scholarship for educational expenses at an institution of higher education.

SEC. 137. ELIGIBILITY.

(a) SCHOLARSHIPS.—A person shall be eligible to receive a scholarship under this subtitle if the person has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A person who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subtitle.

SEC. 138. STATE APPLICATIONS FOR ALLOTMENT.

(a) IN GENERAL.—A State that desires an allotment under section 134 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall—

(1) describe the scholarship program and the student employment program for which assistance under this subtitle is sought;

(2) contain assurances that the lead agency will work in cooperation with local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subtitle;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subtitle and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subtitle;

(5) contain assurances that under the student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under the scholarship program the State will make scholarship payments to institutions of higher education on behalf of scholarship recipients under this subtitle;

(7) with respect to the student employment program, identify—

(A) the employment tasks that students will be assigned to perform;

(B) the compensation that students will be paid to perform such tasks; and

(C) the training that students will receive as part of their participation in the program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 139. INDIVIDUAL APPLICATIONS FOR SCHOLARSHIP OR EMPLOYMENT.

(a) IN GENERAL.—A person who desires a scholarship or employment under this subtitle shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall describe—

(1) the academic courses for which a scholarship is sought; or

(2) the location and duration of employment that is sought.

(c) PRIORITY.—In awarding scholarships and providing student employment under this subtitle, a State shall give priority to applications from persons who—

(1) are members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) are pursuing an undergraduate degree; and

(3) are not receiving financial assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 139A. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—A person who receives a scholarship under this subtitle shall enter into an agreement with the Director.

(b) CONTENTS.—An agreement under subsection (a) shall—

(1) provide assurances that the scholarship recipient will work in a law enforcement position in the State that awards the scholarship in accordance with the service obligation described in subsection (c) after completion of the recipient's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the scholarship recipient will repay the entire scholarship in accordance with such terms and conditions as the Director shall prescribe if the requirements of the agreement are not complied with, unless the recipient—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which a scholarship recipient may seek employment in the field of law enforcement in a State other than the State that awards the scholarship.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.—Subject to paragraph (2), a scholarship recipient under this subtitle shall work in a law enforcement position in the State that awards the scholarship for a period of 1 month for each credit hour for which funds are received under the scholarship.

(2) MINIMUM AND MAXIMUM REQUIRED PERIODS OF SERVICE.—For purposes of satisfying the requirement of paragraph (1), a scholarship recipient shall work in a law enforcement position in the State that awards scholarship for a period of not less than 6 months but shall not be required to work in such a position for more than 2 years.

SEC. 139B. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of present and past scholarship recipients under this subtitle, categorized according to the levels of educational study in which the recipients are engaged and the number of years that the recipients have served in law enforcement;

(2) state, with respect to student employees under this subtitle—

(A) the number of present and past student employees;

(B) the number of such employees who complete a course of study at an accredited institution of higher education; and

(C) the number of such employees who subsequently accept a law enforcement position;

(3) describe the geographic, racial, and gender dispersion of scholarship recipients and employees; and

(4) describe the progress of the scholarship program and the student employment program and make recommendations for changes in the programs.

SEC. 139C. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $30,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for a fiscal year—

(1) 80 percent shall be available to provide scholarships described in section 135(a)(1)(A); and

(2) 20 percent shall be available to provide employment described in section 135(a) (1)(B) and (2).

Subtitle E—Job Training and Placement for Separated Members of the Armed Forces

SEC. 141. LAW ENFORCEMENT.

(a) TRAINING AND PLACEMENT PROGRAM.—

(1) AMENDMENT OF THE JOB TRAINING PARTNERSHIP ACT.—Part C of title IV of the Job Training Partnership Act (29 U.S.C. 1721 et seq.) is amended by adding at the end the following new section:

"SEC. 442. TRAINING PROGRAM IN LAW ENFORCEMENT.

"(a) DEFINITION.—As used in this section, the term 'eligible separated member of the Armed Forces' means a member of the Armed Forces who—

"(1) is discharged or released from active duty (or full-time National Guard duty) after 3 or more years of continuous active duty (or full-time National Guard duty) immediately before the discharge or release (not including a discharge under other than honorable conditions or a punitive discharge or, in the case of a commissioned officer, a dismissal); and

"(2) applies to participate in the training program involved within the 1-year period beginning on the date of the discharge or release.

"(b) INTERAGENCY AGREEMENT.—The Secretary shall enter into an interagency agreement with the Director of the Federal Bureau of Investigation, and with the Director of the National Institute of Justice, under which the Federal Bureau of Investigation and the National Institute of Justice will develop and operate, on a reimbursable basis, a training program to assist eligible separated members of the Armed Forces in obtaining the training necessary to become law enforcement personnel, as described in this section.

"(c) SELECTION.—The Federal Bureau of Investigation and the National Institute of Justice shall select participants in the training program.

"(d) CONTENT.—The training program shall provide extensive training to participants in subjects related to law enforcement.

"(e) NUMBER OF PARTICIPANTS.—Subject to the availability of appropriations for the training program, the Federal Bureau of Investigation and the National Institute of Justice shall conduct at least 10 training sessions a year to achieve a graduation rate of at least 1,000 participants per year.

"(f) JOB PLACEMENT ASSISTANCE.—Upon graduation of a participant from the training program, the Federal Bureau of Investigation and the National Institute of Justice shall provide appropriate job placement assistance to the graduate.".

(2) TECHNICAL AMENDMENT.—The table of contents relating to the Job Training Partnership Act, as amended by section 702(c) of the Job Training Reform Amendments of 1992 (Public Law 102-367; 106 Stat. 1113), is amended by inserting after the item relating to section 441 the following new item:

"Sec. 442. Training program in law enforcement.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3(c) of the Job Training Partnership Act (29 U.S.C. 1502(c)) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) In addition to the amounts authorized by paragraph (1), there are authorized to be appropriated to carry out section 442—

"(A) $8,000,000 for fiscal year 1995; and

"(B) $8,000,000 for each fiscal year thereafter.".

(c) TECHNICAL AMENDMENT.—Section 441(b)(2)(A) of the Job Training Partnership Act (29 U.S.C. 1721(b)(2)(A)) is amended by striking "part" each place it appears and inserting "section".

SEC. 142. PUBLIC HOUSING MANAGEMENT.

(a) TRAINING AND PLACEMENT PROGRAM.—

(1) AMENDMENT OF THE JOB TRAINING PARTNERSHIP ACT.—Part C of title IV of the Job Training Partnership Act (29 U.S.C. 1721 et seq.), as amended by section 141(a), is amended by adding at the end the following new section:

"SEC. 443. TRAINING PROGRAM IN PUBLIC HOUSING MANAGEMENT.

"(a) DEFINITIONS.—As used in this section:

"(1) CENTER.—The term 'Center' means the National Center for Housing Management established pursuant to Executive Order No. 11668 (42 U.S.C. 3531 note).

"(2) ELIGIBLE SEPARATED MEMBER OF THE ARMED FORCES.—The term 'eligible separated member of the Armed Forces' has the meaning given the term in section 442(a).

"(3) HOUSING PROJECT.—The term 'housing project' means a low-income housing project, as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C 1437a(b)(1)).

"(4) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 3(b)(6) of the United States Housing Act of 1937.

"(b) COOPERATIVE AGREEMENT.—The Secretary shall offer to enter into a cooperative agreement with the Center under which the Center will develop and operate a training program to assist eligible separated members of the Armed Forces in obtaining the training necessary to become managers and employees in public housing agencies and organizations that manage housing projects for public housing agencies, as described in this section.

"(c) SELECTION.—

"(1) RESPONSIBILITY.—The Center shall select participants in the training program.

"(2) SPECIAL EMPHASIS.—In selecting participants in the training program, the Center shall place special emphasis on selecting members of the Armed Forces who have lived in housing projects.

"(d) CONTENT.—The training program shall provide extensive training to participants in such subjects as—

"(1) housing management;

"(2) maintenance management;

"(3) occupancy management;

"(4) security and drug reduction management;

"(5) community change management;

"(6) resident empowerment;

"(7) tenant integrity; and

"(8) fair housing and civil rights.

"(e) USE OF EXPERTS.—The Center shall provide training under this section through the use of recognized experts in the subjects described in subsection (d).

"(f) EVALUATIONS.—The Center shall evaluate the performance of participants through the use of standardized tests.

"(g) NUMBER OF PARTICIPANTS.—Subject to the availability of appropriations for the training program, the Center shall conduct at least 5 training sessions a year to achieve a graduation rate of at least 250 participants per year.

"(h) JOB PLACEMENT ASSISTANCE.—Upon graduation of a participant from the training program, the Center shall provide appropriate job placement assistance to the graduate through the Center's network of public housing agencies and organizations that manage housing projects for public housing agencies.".

(2) TECHNICAL AMENDMENT.—The table of contents relating to the Job Training Partnership Act, as amended by section 702(c) of the Job Training Reform Amendments of 1992 (Public Law 102-367; 106 Stat. 1113) and by section 143(a)(2), is further amended by inserting after the item relating to section 442 the following new item:

"Sec. 443. Training program in public housing management.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3(c) of the Job Training Partnership Act (29 U.S.C. 1502(c)), as amended by section 141(b), is further amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) In addition to the amounts authorized by paragraph (1), there are authorized to be appropriated to carry out section 443—

"(A) $2,000,000 for fiscal year 1995; and

"(B) $2,000,000 for each fiscal year thereafter.".

TITLE II—STUDIES

Subtitle A—Commission on Crime and Violence

SEC. 201. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on Crime and Violence in America" (referred to in this subtitle as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, of whom—

(A) 6 shall be appointed by the President;

(B) 4 shall be appointed by the Speaker of the House of Representatives, of whom 2 shall be appointed on the recommendation of the minority leader; and

(C) 4 shall be appointed by the President pro tempore of the Senate, of whom 2 shall be appointed on the recommendation of the majority leader and 4 shall be appointed on the recommendation of the minority leader.

(2) DEADLINE.—Members of the Commission shall be appointed within 60 days after the date of enactment of this Act.

(3) TERM.—Members shall serve on the Commission through the date of its termination under section 206.

(4) MEETINGS.—The Commission—

(A) shall have its headquarters in the District of Columbia; and

(B) shall meet at least once each month for a business session.

(5) QUORUM.—Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—Not later than 15 days after the members of the Commission are appointed, the members shall designate a Chairperson and Vice Chairperson of the Commission.

(7) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(8) COMPENSATION.—

(A) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no pay, allowances, or benefits by reason of their service on the Commission.

(B) TRAVEL EXPENSES.—A member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 202. DUTIES.

The Commission shall—

(1) review all segments of the criminal justice system, including law enforcement, prosecution, defense, judicial, and corrections components;

(2) review the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence;

(3) examine the impact that changes to Federal and State law during the past 25 years have had in controlling crime and violence;

(4) convene hearings in various parts of the country to receive testimony from a cross-section of criminal justice professionals, victims of crime, business leaders, elected officials, academics, medical doctors, and other citizens who wish to participate;

(5) bring to public attention successful models and programs in crime prevention, crime control, and antiviolence; and

(6) develop a comprehensive and effective crime control and antiviolence strategy and recommend how to implement such a strategy in a coordinated fashion by Federal, State, and local authorities.

SEC. 203. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—

(1) APPOINTMENT.—After consultation with the members of the Commission, the Chairperson shall appoint a director of the Commission (referred to in this subtitle as the "Director").

(2) COMPENSATION.—The Director shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the Director may appoint such personnel as the Director considers to be appropriate.

(c) CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, personnel of that agency to the Commission to assist in carrying out its duties.

(f) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall provide suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 204. POWERS.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure from any Federal agency or entity in the executive or legislative branch such materials, resources, statistical data, and other information as is necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency or entity shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 205. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) INTERIM REPORT.—Not later than 1 year before the date of its termination, the Commission shall submit an interim report to the President and the Congress containing—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) recommendations for legislative and administrative action based on the Commission's activities to date;

(3) an estimation of the costs of implementing the recommendations made by the Commission; and

(4) a strategy for disseminating the report to Federal, State, and local authorities.

(c) FINAL REPORT.—Not later than the date of its termination, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, recommendations, and estimation of costs and an assessment of the extent to which recommendations included in the interim report under subsection (b) have been implemented.

(d) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public.

SEC. 206. TERMINATION.

The Commission shall terminate on the date that is 2 years after the date on which members of the Commission have met and designated a Chairperson and Vice Chairperson.

Subtitle B—Use of Antiloitering Laws To Fight Crime

SEC. 211. STUDY AND REPORT.

The Attorney General, acting through the National Institute of Justice, shall—

(1) study the ways in which antiloitering laws can be used, without violating the constitutional rights of citizens as enunciated by the Supreme Court, to eradicate open-air drug markets and other blatant criminal activity;

(2) prepare a model antiloitering statute and guidelines for enforcing the statute in such a manner as to prevent, deter, and punish illegal drug activity and other criminal activity; and

(3) make the results of the study and the model statute and guidelines available to Federal, State, and local law enforcement authorities.

TITLE III—VIOLENT AND HABITUAL OFFENDERS

Subtitle A—Serious Habitual Offender Comprehensive Action Program

SEC. 301. RESTORATION OF DEMONSTRATION PROGRAM.

The Attorney General, acting through the Administrator of the Office of Juvenile Justice and Juvenile Prevention and using funds appropriated under section 261(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)(5)), shall continue the funding of new demonstration projects in the Serious Habitual Offenders Comprehensive Action Program during fiscal years 1995, 1996, and 1997.

Subtitle B—Federal Law Enforcement Assistance Grants

SEC. 311. REQUIREMENT OF MANDATORY IMPRISONMENT FOR ARMED OFFENDERS.

(a) IN GENERAL.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(2)(A) If, on the first day of a fiscal year, a State does not meet the requirements of subparagraph (B), the Director shall reduce the amount of funds that would otherwise be allocated to the State under subsection (a) by 50 percent.

"(B)(i) The requirements of this subparagraph are met if the law of a State requires the imposition of a mandatory sentence of 20 years' imprisonment without possibility of probation, parole, or any other form of early release for a firearm offense committed by a career criminal.

"(ii) In this subparagraph—

"career criminal" means a person with 3 or more convictions under Federal or State law for crimes of violence (as defined in section 924(c)(3) of title 18, United States Code) or serious drug offenses (as defined in section 924(e)(2)(A) of title 18, United States Code).

"firearm offense" means an offense committed while the offender is in possession of a firearm or while an accomplice of the offender, to the knowledge of the offender, is in possession of a firearm.

"(3) The amount by which the allocation to a State is reduced by reason of a failure to comply with subparagraph (A) or (B) of paragraph (1) shall be reallocated equally among the States that are in compliance with that subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to the fiscal year that first begins after the date that is 2 years after the date of enactment of this Act and each fiscal year thereafter.

(c) TECHNICAL AMENDMENT OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 TO ACCOMMODATE AMENDMENT MADE IN SUBSECTION (a)—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756(f)) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of";

(2) in subsection (e) by striking "or (e)"; and

(3) in subsection (f)—

(A) by striking "(f)(1) For" and all that follows through "in such fiscal year," and inserting the following:

"(f)(1)(A) If, on the first day of a fiscal year, a State does not meet the requirements of subparagraph (B), the Director shall reduce the amount of funds that would otherwise be allocated to the State under subsection (a) by 10 percent.

"(B)(i) The requirements of this subparagraph are met if a State has in effect, and enforces, a law";

(B) by striking "(A) to administer" and inserting "(I) to administer";

(C) by striking "(B) to disclose" and inserting "(II) to disclose";

(D) by striking "(C) to provide" and inserting "(III) to provide";

(E) by striking "(3) For purposes of this subsection" and inserting "(ii) For purposes of this paragraph";

(F) by striking "(A) the term" and inserting "(I) the term"; and

(G) by striking "(B) the term" and inserting "(II) the term".

SEC. 321. GRANTS FOR THE ESTABLISHMENT OF VICTIM NOTIFICATION PROCEDURES.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(22) programs designed to keep victims informed concerning the status of cases against offenders and to provide victims advance notification of the release of alleged offenders prior to conviction and of convicted offenders at the conclusion of their terms of imprisonment or on probation, parole, or any other form of release.".

TITLE IV—PRISONS

Subtitle A—Prison for Violent Drug Offenders

SEC. 401. REGIONAL PRISONS.

(a) FINDINGS.—The Congress finds that—

(1) the population of Federal, State, and local prisons and jails has increased dramatically since 1980 and currently numbers more than 1,000,000 people;

(2) more than 60 percent of all prisoners have a history of drug abuse or are regularly using drugs while in prison, but only 11 percent of State prison inmates and 7 percent of Federal prisoners are enrolled in drug treatment programs; hundreds of thousands of prisoners are not receiving needed drug treatment while incarcerated, and the number of such persons is increasing rapidly; and

(3) drug-abusing prisoners are highly likely to return to crime upon release, but the recidivism rate is much lower for those who successfully complete treatment programs; accordingly, it appears that providing drug treatment to prisoners during incarceration provides an opportunity to break the cycle of recidivism, reducing the crime rate and future prison overcrowding.

(b) DEFINITION.—In this section—

"eligible prisoner" means a Federal or State prisoner who—

(A) has a drug abuse problem requiring long-term treatment; and

(B) is serving a term of imprisonment under which the earliest date of release is not more than 2 years after the date of transfer to a regional prison.

"regional prison" means a regional prison operated by the Director of the Bureau of Prisons under this section.

(c) CONSTRUCTION AND OPERATION OF REGIONAL PRISONS WITH DRUG TREATMENT PROGRAMS.—The Attorney General, acting through the Director of the Bureau of Prisons, shall construct and operate 10 regional prisons in which eligible prisoners shall participate in a drug treatment program under conditions established by the Director of National Drug Control Policy in consultation with the Director of the Bureau of Prisons.

(d) LOCATION.—

(1) IN GENERAL.—The regional prisons shall be located in places chosen by the Director of National Drug Control Policy, in consultation with the Director of the Bureau of Prisons, not more than 180 days after the date of enactment of this Act.

(2) MILITARY FACILITIES.—To the extent that it is practicable to do so, the Director of National Drug Control Policy shall choose former military facilities as locations for regional prisons.

(e) PRISON POPULATIONS.—Each regional prison shall be used to accommodate a population consisting of approximately 20 percent Federal prisoners and 80 percent State prisoners.

(f) GOAL IN SELECTION OF ELIGIBLE PRISONERS.—In selecting from among eligible prisoners those who will be transferred to a regional prison, the Director of the Bureau of Prisons and a State shall endeavor to select those whose continued confinement, with the opportunity to participate in a drug treatment program, will have the greatest impact on the crime rate and future prison overcrowding.

(g) AGREEMENT OF PRISONER.—A prisoner shall not be transferred to a regional prison unless the prisoner agrees to participate in the drug treatment program and comply with the conditions established for such participation.

(h) POSTRELEASE TREATMENT.—A State that desires to transfer a prisoner to a regional prison shall submit to the Director of the Bureau of Prisons a postrelease treatment plan describing the provisions that the State will make for—

(1) the continued treatment of the prisoner in a therapeutic community following release; and

(2) vocational job training in appropriate cases.

(i) PAYMENT OF COSTS.—

(1) REIMBURSEMENT OF THE DIRECTOR.—A State that transfers a prisoner to a regional prison shall reimburse the Director of the Bureau of Prisons for the full cost of the incarceration and treatment of the prisoner.

(2) RETURN OF MONIES.—(A) If, in the opinion of the Director of the Bureau of Prisons, a State prisoner successfully completes a drug treatment program, the Director shall return to the transferring State 25 percent of the amount paid under paragraph (1) with respect to the prisoner for use in accordance with subparagraph (B).

(B) Monies returned to a State under subparagraph (A) shall be used by the State to provide postrelease treatment as required by subsection (h).

(j) DETERMINATIONS BY THE DIRECTOR.—

(1) PRISONER ELIGIBILITY.—The Director of the Bureau of Prisons shall have the exclusive right to determine, after the staff of a regional prison has had an opportunity to interview a Federal or State prisoner in person—

(A) whether the prisoner qualifies as an eligible prisoner; and

(B) whether, in view of any other relevant circumstances, a transfer of the prisoner should be accepted.

(2) PRISONER COMPLIANCE WITH CONDITIONS.—The Director of the Bureau of Prisons shall have the exclusive right to determine whether a prisoner in a regional prison is complying with the conditions for participation in a drug treatment program.

(k) RETURN OF NONCOMPLIANT PRISONER.—Upon determining that a prisoner in a regional prison is not in compliance with a condition for participation in a drug treatment program, the Director may, upon notification to the transferring State of that determination, return the prisoner to the transferring State.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to any other amounts authorized to be appropriated to the Bureau of Prisons—

(1) $600,000,000 for fiscal year 1995 for the construction of 10 regional prisons, to remain available until expended; and

(2) $100,000,000 for each of fiscal years 1995 and 1996 for the operation of the regional prisons.

Subtitle B—Task Force on Prison Construction Standardization and Techniques

SEC. 411. PRISON CONSTRUCTION STANDARDIZATION AND TECHNIQUES.

(a) TASK FORCE.—The Director of the Bureau of Prisons shall establish a task force composed of Bureau, State, and local officials expert in prison construction, and of at least an equal number of engineers, architects, and construction experts from the private sector with expertise in prison design and construction, including the use of cost-cutting construction standardization techniques and cost-cutting new building materials and technologies.

(b) COOPERATION.—The task force shall work in close cooperation and communication with other State and local officials responsible for prison construction in their localities.

(c) PERFORMANCE REQUIREMENTS.—The task force shall work to—

(1) establish and recommend standardized construction plans and techniques for prison and prison component construction; and

(2) evaluate and recommend new construction technologies, techniques, and materials, to reduce prison construction costs at the Federal, State, and local levels and make such construction more efficient.

(d) DISSEMINATION.—The task force shall disseminate information described in subsection (c) to State and local officials involved in prison construction, through written reports and meetings.

(e) PROMOTION AND EVALUATION.—The task force shall—

(1) work to promote the implementation of cost-saving efforts at the Federal, State, and local levels;

(2) evaluate and advise on the results and effectiveness of such cost-saving efforts as adopted, broadly disseminating information on the results; and

(3) to the extent feasible, certify the effectiveness of the cost-savings efforts.

TITLE V—VIOLENT CRIME AND DRUG EMERGENCY AREAS

SEC. 501. VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(a) DEFINITION.—In this section, "major violent crime or drug-related emergency" means an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, in consultation with the Attorney General, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

(b) DECLARATION OF VIOLENT CRIME AND DRUG EMERGENCY AREAS.—If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President, in consultation with the Attorney General and other appropriate officials, may declare the State or part of a State to be a violent crime or drug emergency area and may take any and all necessary actions authorized by this section and other law.

(c) PROCEDURE.—

(1) IN GENERAL.—A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the District of Columbia, the mayor), and shall be forwarded to the Attorney General in such form as the Attorney General may by regulation require. One or more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) FINDING.—A request made under paragraph (1) shall be based on a written finding that the major violent crime or drug-related emergency is of such severity and magnitude that Federal assistance is necessary to ensure an effective response to save lives and to protect property and public health and safety.

(d) IRRELEVANCY OF POPULATION DENSITY.—The President shall not limit declarations made under this section to highly populated centers of violent crime or drug trafficking, drug smuggling, or drug use, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

(e) REQUIREMENTS.—As part of a request for a declaration under this section, and as a prerequisite to Federal violent crime or drug emergency assistance under this section, the chief executive officer of a State or local government shall—

(1) take appropriate action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major drug-related emergency;

(2) submit a detailed plan outlining that government's short- and long-term plans to respond to the violent crime or drug emergency, specifying the types and levels of Federal assistance requested and including explicit goals (including quantitative goals) and timetables; and

(3) specify how Federal assistance provided under this section is intended to achieve those goals.

(f) REVIEW PERIOD.—The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) FEDERAL ASSISTANCE.—The President may—

(1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

(2) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information; and

(h) DURATION OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Federal assistance under this section shall not be provided to a drug disaster area for more than 1 year.

(2) EXTENSION.—The chief executive officer of a jurisdiction may apply to the Attorney General for an extension of assistance beyond 1 year. The President, in consultation with the Attorney General, may extend the provision of Federal assistance for not more than an additional 180 days.

(i) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall issue regulations to implement this section.

LIEBERMAN VIOLENT CRIME REDUCTION ACT OF 1993

SUMMARY

Federal Law Enforcement Rapid Deployment Force

Establishes a unit of 2,500 federal law enforcement officers who could be deployed rapidly on a temporary basis to assist state and local law enforcement agencies in combatting crime. The Attorney General could deploy the unit or part of the unit upon a showing by a governor and local officials that crime in an area is being exacerbated by the interstate flow of drugs, guns and criminals and that emergency federal assistance is necessary. The unit is intended not only to assist in investigations, arrests and prosecutions, but to participate in the patrolling of particularly hardhit areas. Members of the Rapid Deployment Force would be deputized by state officials so that they could make arrests and otherwise proceed under state, as well as Federal, law. Authorizations: $25 million for FY 1995; $100 million for FY 1996; $150 million for FY 1997.

Presidential Declaration of Violent Crime and Drug Emergency Areas

Authorizes the President to declare that a violent crime or drug emergency exists in a state or part of a state and to provide emergency federal assistance to protect property, public health and safety. That assistance can come in the form of personnel (either through the Rapid Deployment Force or more conventional lending of Federal law enforcement officers or advisors), equipment, supplies, facilities, and managerial, technical and advisory services, including communications support and law enforcement-related intelligence information. Requests for declaration of an emergency must be made in writing by the Governor and chief executive officer of any affected state and local government, and the President must act on the request within 30 days.

Increased support for Federal/State/local task forces

Authorizes $150 million to bolster federal/state/local task forces in the investigation, arrest and prosecution of violent criminals and drug traffickers. Provides additional funding for the Federal law enforcement components of such task forces, specifically the FBI, DEA, BATF, and US Attorney's offices, to help pay for operational expenses, hiring and training of additional agents, prosecutors, and support personnel.

Retraining and placement of Gis in law enforcement and public housing management careers

Mandates that a portion of funds set aside for defense conversion be used to retrain and place recently retired or discharged Gis in law enforcement and public housing management careers. The FBI and the National Institute for Justice (NIJ) shall be responsible for selecting and training at least 1000 recent veterans annually and providing job placement assistance in state, local or Federal law enforcement. States receiving grants to hire additional law enforcement personnel should give priority to the military personnel trained under this program. The National Center for Housing Management, a non-profit group established by Executive Order in 1972, shall continue a training and placement program to train at least 250 veterans a year to serve as managers and role models in public housing.

Regional Prisons for Violent Drug Offenders

Authorizes the construction and operation of 10 new regional prisons in which eligible Federal and state prisoners must participate in drug rehabilitation programs. In selecting prisoners, state and local officials shall select those whose continued confinement, need for drug treatment and likelihood of success of such treatment, will have the greatest impact on the crime rate and future prison overcrowding. To the extent possible, those prisons shall be located on former military bases. Eighty percent of the prisoners in each facility shall be state prisoners. A state that transfers a prisoner to the regional prison must pay for the cost of incarceration and treatment of the prisoner, but shall receive 25% of those payments back if the state prisoner successfully completes the drug treatment program. $600 million is authorized for FY 1995 for the construction of the ten prisons; $100 million is authorized for each of FYs 1995 and 1996 for operation of the prisons.

Efficiency and Standardization in Prison Construction

Directs the Bureau of Prisons to establish a task force composed of Bureau, state and local experts in prison construction and an equal number of engineer, architects and construction experts from the private sector to evaluate standardized construction plans, technologies, materials and techniques for prison and prison components in order to reduce prison construction costs. The task force shall disseminate their recommendations to federal, state, local prison officials. To the extent feasible, the task force shall certify the effectiveness of specific cost-savings efforts.

National Commission on Crime and Violence

Establishes a twelve-member National Commission on Crime and Violence in America to examine the state of crime and violence throughout the nation, review the effectiveness of state and Federal approaches to controlling crime and violence during the past 25 years, and develop a comprehensive and effective crime control and antiviolence strategy to be implemented by Federal, state and local officials. Commissioners shall include criminal justice professionals, victims of crime, elected officials, business leaders, medical doctors and other citizens. Commissioners shall serve without pay during the two-year tenure of the commission.

Use of Anti-Loitering Laws to Fight Crime

Directs the Justice Department's National Institute of Justice to determine how anti-loitering laws can be used, without violating the constitutional rights of citizens as enunciated by the Supreme Court, to eradicate open-air drug markets and other blatant criminal activity and to prepare a model anti-loitering statute for distribution to Federal, state and local law enforcement authorities.

Extension of Serious Habitual Offender Comprehensive Action (SHOCAP) Program

Authorizes new state and local demonstration projects under the Serious Habitual Offender Comprehensive Action Program, which focuses law enforcement and prosecutorial resources on arresting and prosecuting repeat juvenile offenders. SHOCAP currently provides only training and educational assistance to local law enforcement.

Incentives to States to enact tough sentences for repeat violent offenders

Provides that states that do not enact state laws providing for mandatory 20 year sentences without the possibility of parole for violent career criminals who commit a crime using a firearm, will lose 50% of the funds that would otherwise be eligible to them under the Omnibus Crime Control and Safe Streets Act of 1968 "Byrne" grants program. States have two years to enact such laws. Violent career criminals are offenders who have previously been convicted 3 or more times under Federal or state law for crimes of violence or serious drug offenses.

Grants to States For the Establishment of Victim Notification Procedures

Encourages states and local governments to design programs to keep victims informed concerning the status of cases against offenders and to provide victims advance notification of the release of alleged offenders prior to conviction or of the release of offenders on probation, parole, or at the ends of their sentences by making such programs eligible for "Byrne Program" grants under the Omnibus Crime Control and Safe Streets Act of 1968.

Police Corps and Law Enforcement Education Program

Establishes a R.O.T.C-style scholarship program that encourages students to pursue law enforcement careers by providing up to $30,000 in grants to attend college. Upon graduation, the students must work in state or local law enforcement for at least four years. Up to 20,000 students may receive assistance under the Police Corps program. Also, provides scholarship assistance to police officers who wish to supplement their education while on the job and provides college scholarship assistance to the children of law enforcement personnel who are killed in the course of their work.●

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1582. A bill to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Court of Appeals Building," and for other purposes; to the Committee on Environment and Public Works.

DESIGNATION OF THE JOHN MINOR WISDOM BUILDING

Mr. JOHNSTON. Mr. President, I rise today to introduce legislation to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Court of Appeals Building."

John Minor Wisdom was appointed to the fifth circuit for life by President Eisenhower in 1957. The "Judge," as he is often referred to, has been appropriately characterized as "the highest embodiment of the judicial being," displaying a rare combination of wit, intellectual acuity, geniality, and judicial temperament. He is described as kind, compassionate, and respectful of all human beings, utterly honest and

simple of spirit, uncompromising in his intellectual integrity, a preeminent scholar in diverse disciplines while a consummate attorney with a passion for the law.

Judge Wisdom was the judge most responsible for the major doctrinal shift in school desegregation law in the mid-1960's that stepped up judicial supervision over the public schools. He was responsible for writing some of the most influential school desegregation opinions between 1955 and 1968, the period when the U.S. Supreme Court was relatively inactive in prescribing how desegregation was to be accomplished.

Judge Wisdom's opinions, as well as his lectures and numerous articles, shared common qualities. They were models of clarity, construction, and reasoning. They displayed industrious and comprehensive research, and reflected a rich and well-developed background of cultural, historical, and literary frames of reference. Moreover, they were evidence of a deep and perceptive insight into the larger function of the law during periods of turbulence such as our society experienced virtually throughout his tenure.

The Wisdom doctrine was a model that Federal judges would apply throughout the fifth circuit in Louisiana, Florida, Alabama, Georgia, Mississippi, and Texas. Through his desegregation opinions, his opinions in cases involving civil rights demonstrations, his opinions in cases involving the integration of Southern State universities, and his opinions relative to the defiance of Federal law by State officials, Judge Wisdom played a pivotal role in transforming the South and thereby the Nation. He made the law a catalyst for social change rather than a mere reflection of events. He has been an inspiration and a model to many in the legal profession, and he has shown us what a lawyer and a judge can do to change the world.

Therefore, Mr. President, it is fitting, and it is with a sense of great pride and a true sense of obligation, that I recommend to this body that it honor Judge Wisdom by designating the Federal building located at 600 Camp Street in New Orleans, LA, be named in honor of Judge John Minor Wisdom.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOHN MINOR WISDOM UNITED STATES COURT OF APPEALS BUILDING.

The Federal building located at 600 Camp Street in New Orleans, Louisiana, is designated as the "John Minor Wisdom United States Court of Appeals Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "John Minor Wisdom United States Court of Appeals Building".

By Mr. D'AMATO:

S. 1583. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

COMPREHENSIVE IRAN SANCTIONS ACT OF 1993

Mr. D'AMATO. Mr. President, I rise today to introduce the Comprehensive Iran Sanctions Act of 1993. This act will institute a total trade embargo between the United States and the Islamic Republic of Iran. This embargo will also include a prohibition on all trade engaged in by a U.S. national abroad, but exempt all humanitarian supplies.

I must share with you an article by Kenneth R. Timmerman, of the House Foreign Affairs Subcommittee on International Security, that appeared in today's New York Times. I ask unanimous consent, that the article be reprinted in its entirety, at the conclusion of my remarks.

Mr. President, this article recites, in great detail, the extent of United States exports that continue to flow to Iran, despite passage of the Iran-Iraq Nonproliferation Act, of which I was a cosponsor, as part of the 1992 National Defense Authorization Act.

In 1992, United States companies supplied $750 million in exports to Iran, and United States companies have maintained similar sales levels in 1993. In the first 6 months since the imposition of the sanctions in October 1992, $461 million in exports to Iran required G–DEST or general destination licenses. Companies using G–DEST licenses do not submit individual license applications, thereby removing the State and Defense Departments from the review process. This makes it easier to slip dual-use material through the oversight process and for Iran to continue receiving exports that it can convert for use in its military and nuclear program. This is exactly what Iraq did during the 1980's and we allowed it to happen. We cannot allow the same mistake to be repeated.

Iran is arming itself to the teeth, and we are simply ignoring it. Iran conducted a $12 billion shopping spree for arms in 1990, and is stockpiling Chinese and North Korean Scud missiles. In 1991, Iran purchased Chinese nuclear technology and a nuclear reactor. This, in addition to its ongoing receipt of U.S. dual-use exports, portends a very dangerous situation.

Iran has an arms budget estimated at over $50 billion over the next 5 years, and it should be clear to all that Iran aims to build itself into a regional nuclear power intent on spreading its will by force. We cannot sit back and allow this bloodthirsty band of terrorists to grow into a monster too big for anyone to handle.

Moreover, Iran's territorial expansion into North Africa and Central Asia is seemingly being ignored. Iranian-supported terrorists are active in Algeria, Tunisia, Morocco, Egypt, Yemen, and in Israel. Iran is also making serious efforts at spreading its influence into Afghanistan and Tajikistan. While this may seem tangential, Iran's spreading influence is indicative of a wider, more dangerous effort, designed to build an anti-American bloc. This much has even been alleged, regarding suggestions of some Sudanese role in the bombing of the World Trade Center.

Iran's actions, speak louder than words and its continued effort at obtaining weapons of mass destruction, as well as its pursuit of an Islamic fundamentalist, anti-American bloc, speak volumes about its intent in the world today.

With Iran's goals in mind, the United States should not be providing it with the capabilities to build such weapons to fulfill its aims. As the Timmerman article states, the Commerce Department has found no illegal exports, but is investigating some potentially suspect cases. I would suggest that if the administration is sincere about true export controls, it should reexamine its policy vis-a-vis Iran. Several months ago, Secretary of State Christopher announced an American intention to isolate Iran, yet the continued export of dual-use material to this country, seems to run counter to this pronouncement.

If the world community wishes to avoid another Middle Eastern war, we must join together to take any and all steps necessary to prevent Iran from its goal of nuclear domination of the Middle East. In 1981, Israel foresaw the danger in Iraq. In 1993, let us not ignore the danger again with Iran.

We must sever any remaining trade between the United States and Iran, to ensure that we do not provide them with anything that will come back to haunt us. We must take the lead and begin a worldwide effort at halting all exports to Iran until it sheds its violence and antagonism toward the West. When Iran agrees to join the rest of the civilized world, then we can consider lifting sanctions.

I urge my colleagues to join me in cosponsoring this legislation. Mr. President, I ask unanimous consent that the text of my remarks, as well as the text of the article appear in the RECORD following the text of my bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Iran Sanctions Act of 1993".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made "no appreciable progress towards improved compliance with human rights in accordance with the current international instruments".

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hizballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhtiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combatting Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hizballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hizballah.

(C) The assassination of American University President 1984 by the Hizballah.

(D) The kidnapping of all American hostages in Lebanon from 1984–1986 by the Hizballah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (c), effective on the date of enactment of this Act, a total trade embargo shall be in force between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) Any transaction in the currency exchange of Iran.

(2) The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) The importing from, or exporting to, Iran of currency or securities.

(4) Any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(6) The importation into the United States of any good or service which is, in whole or in part, grown, produced, manufactured, extracted, or processed in Iran.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—This section shall not apply to any transaction involving the furnishing, for humanitarian purposes, of food, clothing, medicine, or medical supplies, instruments, or equipment to Iran or to any national thereof.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 5. WAIVER AUTHORITY.

The provisions of sections 3 and 4 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 6. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term "act of international terrorism" means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives;

(3) the term "Iran" includes any agency or instrumentality of Iran;

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States; and

(5) the term "United States national" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

[From the New York Times, Oct. 25, 1993]

CAVEAT VENDITOR

(By Kenneth R. Timmerman)

WASHINGTON.—Once again, companies in the United States, Europe and Japan are helping a third world dictatorship acquire technology that can be used to develop weapons of mass destruction. The equipment and materials they are selling are not leaking out inadvertently, but going out with the approval of the export-control authorities of their governments.

This time, the dictatorship is not Iraq. It is Iran, whose leaders continue to vow "Death to America" and which tops the State Department list of terrorist countries.

An investigation completed in September by the House Foreign Affairs Subcommittee on International Security, International Organizations and Human Rights has documented the extent of the hemorrhage of Western technology to Iran and to other "rogue regimes"—nations identified as sponsors of international terrorism.

The subcommittee found that more than 230 companies had supplied Iran with technology and equipment that can be used for the manufacture of chemical, nuclear and biological weapons and the means to deliver them. Over 50 of the companies are American.

In October 1992, Congress passed, as part of the National Defense Authorization Act, additional trade restrictions prohibiting U.S. high-technology sales to Iran. Yet since then such exports have actually increased.

The subcommittee investigation has uncovered dozens of cases where U.S. technology with potential military applications was shipped to Iran. This appears to have occurred with the full approval of the Commerce Department, which is responsible for restricting U.S. trade with countries on the State Department's list.

In 1992, fully 60 percent of the $750 million worth of U.S. goods and equipment shipped to Iran were subject to Commerce Department licensing because of the sophistication of the technology involved. Since the National Defense Authorization Act was signed into law, the percentage of licensed goods has dropped to 2.5 percent of total exports. But there was no apparent decline in the sophistication of the equipment exported.

Among the products shipped since the law was passed were toxins and microorganisms, centrifuges, machine tools, gas-separation devices, gas chromatographs and mass spectrometers. Also sold were high-powered computers, worth close to $1 million each. All of this equipment has significant military as well as civilian uses. Despite this, the Commerce Department has continued to allow these products to be sold to Iran.

Commerce Department officials insist that they are enforcing existing export regulations in full. They say that there is an internal investigation of 74 "potentially suspect" shipments, but that so far they have found no illegal exports.

Yet one of the high-technology exports in question was shipped directly to the Atomic Energy Organization of Iran; two went to a suspected chemical-weapons plant. Toxins, which can be used in medical research or for biological weapons, were shipped to a Teheran bank. All of these shipments occurred between January and June of this year.

The United States is not the only nation selling high-technology goods to Iran. Last year, Germany racked up a record $5 billion in sales to Iran. Japanese sales to Iran reached nearly $3 billion. Italy and Britain both topped $1 billion, with France not far behind. The United States ranked sixth at $746.6 million.

Chinese state-owned companies are also selling to Iran. They have supplied ballistic-missile manufacturing equipment and uranium-enrichment devices, and they recently contracted to build a nuclear power plant that will produce plutonium as a by-product.

Greed and willful blindness are once again at work. As with Iraq, our companies and our governments are united in a silent pact to shovel out the door as much advanced technology as possible. In Iraq, the United States was lucky that Saddam Hussein blundered into Kuwait before he acquired nuclear weapons. With Iran, we may not be so lucky.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1584. A bill to designate the United States courthouse located in Houma, LA, as the "George Arceneaux, Jr., United States Courthouse," and for other purposes; to the Committee on Environment and Public Works.

DESIGNATION OF THE GEORGE ARCENEAUX, JR., COURTHOUSE

Mr. JOHNSTON. Mr. President, today I am introducing along with Senator BREAUX, legislation to designate the U.S. courthouse located in Houma, LA, as the "George Arceneaux, Jr., U.S. Courthouse."

George Arceneaux, Jr., was appointed to the Federal judiciary by President Jimmy Carter in 1979. During his 14 years of active service he was, in the words of a fellow judge, "a force for good and truth and justice by reason of his powerful and abiding faith."

His entire adult life was an exercise in the pursuit of civic and professional activities directed to the service of his community and his fellow man. His personal family history and expression of the esteem of his fellow attorneys are best described by Judge Peter Beer in the memorial presented to the Fifth Circuit Judicial Conference in May 1993.

Judge Arceneaux had a vision of a Federal court situated in his hometown of Houma, LA, which is the economic and geographical center of the tri-parish area in southeast Louisiana. His efforts toward that end began in 1957 when he was an administrative assistant to Senator Allen Ellender and continued through his close personal association with Senator Russell Long, who recommended him to President Carter in 1979. Since that time he has organized various committees to provide the surveys, research and data necessary to justify the construction of the new Federal courthouse in Houma. His untiring efforts through innumerable meeting with committees of the U.S. District Court for the Eastern District of Louisiana as well as followup contacts with the General Services Administration and the Administration Office of the U.S. Courts undoubtedly added to the strain of his physical condition which contributed to his early and untimely demise.

For these reasons, it is with great pride, and, indeed, a true sense of obligation, that I recommend to this body that the U.S. Federal Court Building in Houma, LA, be named in honor of the late Judge George Arceneaux, Jr.

Mr. President, I ask unanimous consent that a copy of the resolution in memory of the Honorable George Arceneaux, Jr., be printed in the RECORD. I further ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF GEORGE ARCENEAUX, JR., UNITED STATES COURTHOUSE.

Any reference in a law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "George Arceneaux, Jr., United States Courthouse".

RESOLUTION IN MEMORY OF HON. GEORGE ARCENEAUX, JR.

United States District Judge George Arceneaux died April 6, 1993, from complications due to lung disease. He was 64.

Appointed in 1979 by President Jimmy Carter, George was an embodiment of all of the attributes of a splendid judge.

Born in New Orleans, reared and educated in Terrebonne Parish, where his father headed the government's sugar cane research program, he was the valedictorian of the Terrebonne High School class of 1945 and went on to earn a B.A. in Journalism from Louisiana State University in 1949 and a Juris Doctor degree from the Washington College of Law of The American University in Washington, D.C. in 1957. While at LSU, he worked summers and holidays as a news reporter and newscaster at radio station KCIL in Houma.

Upon graduation from college, George was employed as state editor of the Lafayette Daily Advertiser and worked briefly as a general assignment reporter for the New Orleans Times Picayune before entering the U.S. Army. He served as an intelligence analyst, 338th Military Intelligence Service Company, Fort Meade, Maryland.

In 1952, he was employed as a legislative assistant to U.S. Senator Allen J. Ellender in Washington, D.C. and with the encouragement of Senator Ellender and his then Administrative Assistance Frank Wurzlow, Jr., George entered night law school, graduated in 1957 and later that year became Senator Ellender's trusted and efficient Administrative Assistant.

In 1960 George returned to Houma to practice law with the late Claude B. Duval. They founded Duval and Arceneaux and remained partners until 1979 when George began his not soon to be forgotten service on the federal bench.

George's efforts to further the service work of Rotary International brought him international attention, affection, and respect. He was president of the Rotary Club in Houma and an Honorary Member of the Rotary Club of New Orleans. He served as district governor of the Rotary district covering the south half of Louisiana in 1971, was elected a director of Rotary International in 1981, and vice-president in 1982. He subsequently served as chairman of many Rotary committees, and, in 1992, chaired the international organization's Council on Legislation, commonly known as "Rotary's International Parliament," comprised of some 500 delegates representing 187 countries and regions.

This year he was named to serve a three-year term on the governing board of the Rotary Foundation where, as one of 15 trustees, he would oversee the Foundation's varied scholarship, research, and related programs, including the massive $250 million rotary Polio Plus program, designed to eliminate poliomyelitis world-wide by the year 2005, the 100th anniversary of Rotary's founding.

George met, fell in love with, and married the delightful and courageous Mary Martin of Stillwater, Oklahoma, while they were working in Washington. Mary was secretary to Senator Robert S. Kerr of Oklahoma. Their fine children, Mary Beth Arceneaux of Baton Rouge, George Arceneaux, III of Lafayette, and Robert Martin Arceneaux of Houma, as well as five grandchildren, George IV, Hugh Andrew and Emma Katherine, all of Lafayette, and Allison Claire and Joshua of Houma are the greatest of George and Mary's many contributions that make this a better world for all of us.

George's mother, the former Louise Austin, a native of Alamo, Tennessee, who now resides in Houma, and one brother and sister-in-law, Tommie Eugene Arceneaux and Kathleen Brian Arceneaux, of Baton Rouge survive him. He was preceded in death by his father, Dr. George Arceneaux, Sr.

There you have the vital statistics about this vital and upstanding man. And they tell us a lot. They make us proud to have known and loved him, grateful for the time we had with him and thankful for the exceptional and wonderful influences that he has had upon us.

Few if any of us could come close, much less surpass the eloquent pulling together of these statistics by George's former law partner Stanwood R. Duval, Jr.:

"George is one of the few people who achieved the Greek ideal of Arete—that is, living up to one's full potential in every aspects of one's life. George was a Renaissance man. He passionately loved his family and somehow managed to always put them first despite the tremendous demands of the practice of law and the numerous projects in which he was involved. He had a deep and absolute devotion to the principles of truth, honor and duty. He had an intense commitment to do always what was right and fair and his commitment . . . his sincere commitment to making his community, this state, and even, through his efforts in Rotary, the world, a better place . . . . When George became a federal judge, we were all extremely proud. However, what made us really proud was to hear the comments from lawyers from other cities talk about George, who didn't even know he was our former law partner. It was like hearing praise for a member of your family to hear the accolades that George received from lawyers who had practiced before his court."

Yet, there is a bit more ground to cover here, a bit more road to travel. It is as though a tiny beacon has signaled us to move on past the readily apparent goodness and steadfastness of this man to a vantage point where the perspective is slightly different and the view is, perhaps, not as susceptible to easy description.

From this vantage point, we can just begin to really see and begin to understand this remarkable man who can properly be described as one, the likes of whom will not soon pass this way again.

For George, with all his discernible attributes, was a sort of closet deep thinker whose agile and active mind raced over the hills and dales of subjects that most of us don't even address in basic configurations.

He was more than a judge's judge, more than a Rotarian's Rotarian, more than a man's man. Indeed, without even intending it to be the case, he was a force for good and truth and justice by reason of his powerful and abiding faith. A faith which aged and mellowed and grew and spun off giving faith to others. It would be an oversimplification to say that George Arceneaux was a deeply religious man. He was that, but there was—and is-so much more to it than that. For harnessed to his abiding faith was a marvelous intellect that was operating at full throttle. The combination and coming together of these two powerful forces was only just beginning to open new vistas of comprehension and ability to translate these comprehensions. His friend and confidant, Father Gerard Hayes, comes closest to a discernible description when he tells us of the clarity of George's understanding of the 23rd Psalm and the peace it brought to him and, in turn, to others far and near. Perhaps it is enough to say that before he left our small planet his eyes had seen the glory of the coming of the Lord. He will surely rest in peace.—Peter Beer, United States District Judge.

By Mr. SIMON (for himself and Mr. COATS):

S. 1585. A bill to provide for the establishment of the Ohio River Corridor Study Commission, and for other purposes; to the Committee on Energy and Natural Resources.

OHIO RIVER NATIONAL HERITAGE CORRIDOR

• Mr. SIMON. Mr. President, today I am introducing a bill to provide for the establishment of the Ohio River Corridor Study Commission. The purpose of this legislation is to focus attention on the distinctive and nationally important resources of the Ohio River corridor. My intention is to provide a means and catalyst for coordinating continuity in the preservation, betterment, enjoyment, and utilization of the opportunities in the Ohio River corridor.

The Ohio River is a unique riverine system and is recognized as one of the great rivers of the world. In our Nation's early years, the Ohio was the way west; later the transportation opportunities provided by the river brought resources and people together to help build our country into a great industrial power.

The Ohio River starts in Pittsburgh, PA, and flows to the west and to the south toward its confluence in my home State of Illinois at the Mississippi River at Cairo, IL. The Ohio River covers 981 miles and flows through or borders on the States of Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, and Illinois.

Our great American rivers, in addition to the many stories they have to tell, even after years of neglect and abuse remain among the most scenic areas of the country. After a preliminary investigation, the ad hoc Ohio River Group believes that an indepth study of the waterway would result in a favorable recommendation for a joint local, State, and national endeavor resulting in the designation of the river valley as a national heritage corridor.

Mr. President, as with other national heritage corridors there is a high degree of coordination and cooperation required by the various governmental entities along the river if the project is to be successful. I believe that establishing the Ohio River Corridor Study Commission—whose membership would include the Director, or designee, of the National Park Service—supported by a congressional act, would be the most appropriate mechanism to begin implementation of the conceptual study.•

• Mr. COATS. Mr. President, I rise today to express my support for the Ohio River Corridor Study Commission Act of 1993. The Ohio River traverses 981 miles and borders the States of Indiana, Illinois, Kentucky, Ohio, Pennsylvania, and West Virginia. The unique waterway holds a prominent place in both America's history and our future.

Historically known as the way west, the Ohio River corridor has served as a valuable economic and cultural resource for our entire Nation. The river made a significant contribution to America's rise as an industrial power by providing transportation for people and goods. As activity increased, towns and cities grew along the transportation routes, and canals and railroads were constructed to reinforce the river towns. Today the Ohio River corridor continues to serve as a vital source of commerce and recreation.

The goal of the Ohio River Corridor Study Commission Act is to establish a Commission to provide a higher degree of continuity and recognition of the unique historical, industrial, scenic, and natural resources of the Ohio River. It is imperative that we recognize the significance of this river and preserve the amenities and economic benefits it has to offer. Although there are many dedicated individuals and organizations already working toward this goal, a coordinated, national effort is needed to gather and disseminate information among these entities. Therefore, I strongly support the Ohio River Corridor Study Commission Act and ask my colleagues to join in supporting

the preservation and improvement of this national treasure.●

ADDITIONAL COSPONSORS

S. 235

At the request of Mr. REID, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 262

At the request of Mr. LAUTENBERG, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 466

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 466, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 542

At the request of Mr. PRYOR, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 815

At the request of Mr. LIEBERMAN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 815, a bill to amend the Federal Water Pollution Control Act to provide special funding to states for implementation of national estuary conservation and management plans, and for other purposes.

S. 867

At the request of Mr. COHEN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 867, a bill to amend title XI of the Social Security Act to extend the penalties for fraud and abuse assessed against providers under the medicare program and State health care programs to providers under all health care plans, and for other purposes.

S. 870

At the request of Mr. WELLSTONE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 870, a bill to protect children from the trauma of witnessing or experiencing violence, sexual abuse, neglect, abduction, rape or death during parent/child visitations or visitation exchanges, and for other purposes.

S. 923

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 923, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes.

S. 993

At the request of Mr. KEMPTHORNE, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1125

At the request of Mr. DODD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1180

At the request of Mr. REID, his name was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to encourage the production and use of wind energy.

S. 1346

At the request of Mr. DECONCINI, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1346, a bill to amend title 17, United States Code, to establish copyright arbitration royalty panels to replace the Copyright Royal Tribunal, and for other purposes.

S. 1350

At the request of Mr. REID, his name was added as a cosponsor of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1522

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1522, a bill to direct the United States Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for hate crimes.

S. 1524

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri [Mr. BOND], the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. D'AMATO], the Senator from Idaho [Mr. CRAIG], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Delaware [Mr. ROTH], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1524, a bill to repeal the retroactive application of the income, estate, and gift tax rates made by the Budget Reconciliation Act and reduce administrative expenses for agencies by $3,000,000,000 for each of the fiscal years 1994, 1995, and 1996.

S. 1556

At the request of Mr. LEVIN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1556, a bill to require commercial television stations to maintain, and provide copies of, commercials and program promotions, and for other purposes.

S. 1571

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1571, a bill to improve immigration law enforcement.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the names of the Senator from Missouri [Mr. BOND], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 130

At the request of Mr. KEMPTHORNE, the names of the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

SENATE JOINT RESOLUTION 135

At the request of Mr. SIMON, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Joint Resolution 135, a joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Day."

SENATE JOINT RESOLUTION 139

At the request of Mr. GRAHAM, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 139, a joint resolution to designate the third Sunday in November of 1993 as "National Children's Day."

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 155—RELATING TO ITALY'S COMMITMENT TO HALTING SOFTWARE PIRACY

Mr. HATCH (for himself, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 155

Whereas the software industry estimates that United States and European software firms lost more than $4,600,000,000 in sales in Europe in 1992 due to illegal piracy of their products;

Whereas the illegal piracy of software threatens the continued development of the software industry throughout the world and the availability of new and better products for computer users;

Whereas the illegal piracy of software causes significant tax revenue losses from lost sales and gives criminal organizations a new area of activity through the supply of counterfeit product;

Whereas the Government of Italy enacted new legislation in December 1992, to strengthen the protection of software under Italy's copyright law;

Whereas the Guardia di Finanza, the Carabinieri, and the Italian national police have recently undertaken a number of significant and highly successful antipiracy actions against illegal software use throughout Italy;

Whereas much of the software uncovered during these actions has been pirated copies of products of leading American software companies; and

Whereas the recent antipiracy actions by Italian authorities have resulted in a significant reduction in software piracy in Italy: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Government of Italy on its commitment to halting software piracy;

(2) congratulates the Guardia di Finanza, the Carabinieri, and the Italian national police for their continuing antipiracy actions; and

(3) expresses its hope that the Italian authorities will continue to prosecute software laws vigorously and that copyright agencies around the world will follow the example set by the people and Government of Italy.

Mr. HATCH. Mr. President, I am pleased to submit this resolution on behalf of myself and Senators PATTY MURRAY, DIANNE FEINSTEIN, and JOHN KERRY. I hope that we can act to agree to this resolution before we adjourn for the year.

This resolution commends the Government of Italy for actions taken over the past several months to combat the piracy of computer software. In December 1992, the Italian Government enacted new legislation to implement the European Community Software Directive and to strengthen the legal protection of computer software and other intellectual property rights. A new Italian copyright law provides statutory protection for computer software for the first time in Italy, and makes it a criminal act for users, including businesses, to copy software.

In March of this year the Italian tax authorities, the Guardia di Finanza, began to enforce the new copyright statute quite aggressively. As a result, computer software sales in Italy increased dramatically. Sales in Italy for the second quarter of this year were 161 percent higher than for the same quarter last year, after five straight quarters of flat sales in Italy. To United States software publishers doing business in Italy, this represents a revenue growth of some $40 million. If this increased sales level can be sustained, it will add approximately $150 million annually to U.S. export revenues.

The U.S. software industry is our Nation's fastest growing major industry and is one of our most competitive industries internationally. Some of the industry's leaders, Novell and Wordperfect, are headquartered in my home State of Utah. Overall, the U.S. software industry holds about 75 percent of the global market for prepackaged software, with $19.7 billion in foreign sales. One of the biggest threats to the continued success and growth of this industry is piracy. Worldwide losses due to software piracy are estimated to be $12 billion annually.

The Government of Italy deserves our praise and appreciation for their efforts. I hope that other countries will follow the strong leadership the people and the Government of Italy have demonstrated and take similar actions to stop the illegal piracy of computer software.

Mr. President, I hope that the Senate will have the opportunity to consider this resolution in the near future. Software piracy represents a worldwide problem and handicaps the ability of innovative U.S. firms to compete in the international marketplace. The recent actions of the Government of Italy is the kind of positive action that we want to commend and encourage other governments to follow.

AMENDMENTS SUBMITTED

UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

HUTCHISON (AND OTHERS) AMENDMENT NO. 1081

Mrs. HUTCHISON (for herself, Mr. SHELBY, Mr. NICKLES, Mr. BENNETT, Mr. BURNS, Mr. COATS, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOLE, Mr. FAIRCLOTH, Mr. GRAMM, Mr. HATCH, Mr. HELMS, Mr. KEMPTHORNE, Mr. KOHL, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, and Mr. BROWN) proposed an amendment to the bill (H.R. 3167) to extend emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF RETROACTIVE APPLICATION OF INCOME, ESTATE, AND GIFT TAX RATE INCREASES.

(a) INCOME TAX RATES.—

(1) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new subsection:

"(i) SPECIAL RULES FOR TAXABLE YEARS BEGINNING IN 1993.—In the case of taxable years beginning in calendar year 1993, each of the tables contained in subsections (a), (b), (c), (d), and (e) shall be applied—

"(1) by substituting '32.97 percent' for '39.6 percent', and

"(3) by substituting for the dollar amount of tax in the last rate bracket the dollar

amount determined under such table by making the substitution described in paragraph (1).".

(2) CONFORMING AMENDMENTS.

(A) Sections 531 and 541 of the Internal Revenue Code of 1986 are each amended by inserting "(34.39 percent in the case of taxable years beginning in calendar year 1993)" after "39.6 percent".

(B) Paragraph (1) of section 55(b) of such Code is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULES FOR 1993.—In the case of any taxable year beginning in the calendar year 1993, subparagraph (A)(i) shall be applied by substituting—

"(i) '24.79 percent' for '26 percent' in subclause (I), and

"(ii) '25.58 percent' for '28 percent' in subclause (II)."

(C) Section 13201 of the Omnibus Budget Reconciliation Act of 1993 is amended by striking subsection (d).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1992.

(b) ESTATE AND GIFT TAX RATES.—

(1) IN GENERAL.—Subsection (c) of section 13208 of the Omnibus Budget Reconciliation Act of 1993 is amended by striking "December 31, 1992" and inserting "August 10, 1993".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Omnibus Budget Reconciliation Act of 1993.

SEC. . REDUCTION IN ADMINISTRATIVE EXPENSES.

(a) BUDGET OBLIGATIONS.—

(1) IN GENERAL.—The amount obligated by all departments and agencies for expenses during fiscal years 1994, 1995, and 1996, shall be reduced by an amount sufficient to result in a reduction of $3,000,000,000 in outlays for expenses during each of the fiscal years f1994, 1995, and 1996. The Director of the Office of Management and Budget shall establish obligation limits for each agency and department in order to carry out the provisions of this section.

(2) DISCRETIONARY SPENDING LIMITS.—The discretionary spending limits for fiscal years 1994 through 1998 set forth in section 601(a)(2) of the Congressional Budget Act of 1974 shall each be reduced by $3,000,000,000 in fiscal year 1994, $6,000,000,000 in fiscal year 1995, and $9,000,000,000 in each of the fiscal years 1996, 1997, and 1998.

(3) NO NEGATION OF GENERAL AUTHORITY OF DEPARTMENT HEAD WITHOUT SPECIFIC REFERENCE.—Notwithstanding any other provision of this Act or any other Act (regardless of its date of enactment) that purports to direct the head of a department or agency to obligate an amount for salaries and expenses for the purpose of obtaining a particular service or good or to prohibit the head of a department or agency from obligating such an amount for any particular service or good, that law shall not be construed to impair or otherwise effect the duty and the discretion of the head of a department or agency to make determinations concerning which particular services of persons and which particular goods will be obligated for in the best interest of performing all of the duties assigned to the department or agency, unless that provision—

(A) makes specific reference to this paragraph; and

(B) states that it is the intent of Congress in that provision to negate the duty and discretion of the head of that department or agency so to make such determinations.

(c) DEFINITION.—For purposes of this section the term "expenses" means the object classes identified by the Office of Management and Budget in Object Classes 21–26 as follows:

(1) 21.0: Travel and Transportation of Persons.

(2) 22.0: Transportation of Things.

(3) 23.2: Rental Payments to Others.

(4) 23.3: Communications, Utilities, and Misc.

(5) 24.0: Printing and Reproduction.

(6) 25.1: Consulting Services.

(7) 25.2: Other Services.

(8) 26.0: Supplies and Materials.

Such term shall not include the expenses of the Department of Defense.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the use of risk analysis and cost-benefit analysis in setting environmental priorities.

The hearing will take place on Tuesday, November 9, 1993, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Heather Hart.

For further information, please contact Craig Gannett, 202–224–4820, or Mary Louise Wagner, 202–224–7570, of the committee staff.

ADDITIONAL STATEMENTS

SUPPORT FOR NAFTA

• Mr. SIMON. Mr. President, last Wednesday I met with President Clinton to inform him of my decision to support the North American Free-Trade Agreement. I offered the President my support for the administration's efforts to win congressional approval of NAFTA. After meeting with the President, I announced my decision on the South Lawn of the White House.

After the announcement, I explained my decision at a luncheon briefing at the Brookings Institution. I would like to thank both Brookings and the Inter-American Dialogue for cosponsoring the luncheon.

Before reaching my decision, I assessed the agreement's impacts on the State of Illinois, a State I believe is a microcosm of the Nation. After this study, I came to believe that NAFTA will strengthen the Nation's economy. I have concluded that NAFTA's overall benefits to this generation and to future generations make this a fight worth spending political capital to win.

I also believe that, in association with NAFTA, we need to make new investments in education and job training to equip U.S. workers to take maximum advantage of new trading opportunities under NAFTA and around the world. Much of the American middle class is in agony over the economic changes and dislocations of recent years. We need to demonstrate to middle-class Americans that Government is on their side.

Mr. President, at this point, I ask to insert my NAFTA speech into the RECORD.

The article follows:

REMARKS OF SENATOR PAUL SIMON ON HIS SUPPORT FOR THE NORTH AMERICAN FREE TRADE AGREEMENT, OCTOBER 20, 1993

The proposal for a North American Free Trade Agreement has evoked a greater barrage of surveys and analyses than any issue I can recall in my eighteen years in Congress, though I am sure the health care proposal will eventually surpass it.

People whose judgment I trust draw directly contradictory conclusions. The issue inspires fear on the part of many and hope for others. My study of the NAFTA agreement began skeptically. I voted against the fast track authority passed two years ago, fearful that the administration then in power would not adequately protect the interests of our nation's working men and women.

Three members of my staff who have primarily worked on this knew that I would spend the past weekend pounding on my old manual typewriter, formulating a position. I asked them where they felt the merits of this issue rest, and all three said it would be good for the nation. But all three advised me that politically the advantage is on the side of opposition.

That seems to me an accurate summary of where we are. And if that is correct, those of us in the Senate who believe NAFTA will be good for the United States need to provide leadership so that our colleagues in the House who are wavering know that they are not alone. Political prudence for Senators requires silence. Political leadership requires a stand. Illinois is an economic microcosm of the nation. By studying its impact in Illinois, I have come to believe that NAFTA will strengthen the nation's economy. I have concluded that NAFTA's overall benefits to this generation and to future generations make this a fight worth spending political capital to win.

Here is how I arrived at my position.

First, the unspoken premise of some opponents is clearly that there are only so many riches to spread around this region of the world, and if we permit our neighbors to the south to have more, we will have less. It is the same false assumption that those who wrote about population two centuries ago had: There are only so many goods to be divided, and if you increase the population, gradually everyone will become poorer. The average person in the world today has a much higher standard of living than in those days, and our population has grown tenfold. After World War II, the United States was by far the wealthiest nation, and Western Europe and Japan were miserably poor. I can remember staying at a small hotel in Spain where, for one American dollar, I received

my room and three meals, including steak for dinner. Today the average American income is two and one-half times greater than it was then, after adjusting for inflation, and many of our friends in Western Europe now have average wages higher than ours. We have moved ahead economically and so have they. Clearly the economic prosperity of Western Europe did not come at the expense of the United States.

I start, then, from a different premise than some who oppose the agreement. I recognize that both Mexico and the United States can benefit, but reciprocal gains are not automatic. If they were, we would not between us have the greatest disparity in the standard of living of any two neighboring nations.

There are several questions that need to be answered:

What will be the job impact of such an agreement on the United States?

The short-term impact is clear. It will create jobs in the United States and raise the standard of living of most people in both nations slightly. With an average Mexican tariff on U.S. goods of between ten and twelve percent, and an average U.S. tariff on Mexican goods of four percent, when the tariffs on both sides are removed, the United States is the larger immediate job beneficiary. On auto parts, for example, the U.S. has a tariff of less than one-half of one percent, but Mexico has a tariff that averages thirteen percent. When you drop both tariffs, Mexico gains with cheaper auto parts, and the United States benefits in jobs. Even though Mexican tariffs are highr than ours, in 1992, we had a trade surplus with Mexico of $5.4 billion, the largest trade surplus we have with any nation other than the Netherlands. Our primary trade deficits are not with low-wage countries but with high-wage trading partners, Japan being the number one example. As Secretary of Labor Robert Reich has written, "If low wages were the key to where manufacturers locate, Bangladesh and Haiti would become the manufacturing capitals of the world." George Fisher of Motorola speaks for many of today's and tomorrow's industries when he says, "The days of chasing low-cost labor are over." Of the ten nations with whom we have the largest trade deficits, our highest deficit with Japan is more than the next seven nations combined, and when the three oil-exporting countries are eliminated from the ten big deficit nations, of the remaining seven, five are high-wage nations, and two are low-wage countries."

The myth that NAFTA will result in a huge transfer of plants to Mexico is exactly that: a myth. There are economic advantages for that transfer now that will not be there after NAFTA is approved. There will be U.S. investments in infrastructure there—in telephones, for example—that will create jobs in Mexico, but should not result in job loss here. And generally, U.S. companies—like all companies—invest primarily where there are skilled workers, not where there are low wages. Three-fourths of our foreign investment is in developed countries, primarily Canada and Europe, where wages are often higher than ours.

The NAFTA agreement may temporarily stem the flow of some plants to Mexico. Gatorade, made by an Illinois corporation, Quaker Oats, has major sales in Mexico, but Mexico has an eighteen percent tariff on Gatorade made in the United States. If the NAFTA agreement is approved, the Gatorade plant will remain in the United States. If it is not approved, they will build a plant in Mexico.

General Motors faces a similar decision. Our tariff on Mexican-made cars is 2.2 percent. Their tariff on our cars is twenty percent. The American Automobile Manufacturers Association says that if Congress approves NAFTA, that will boost exports to Mexico of U.S.-built cars and parts by $1 billion the first year, increasing U.S. jobs by 15,000. Only one of sixteen Mexicans owns a car. As their standard of living rises in coming years, this will be a huge market for us. There are those who argue that Mexican citizens are too poor to afford any significant amount of U.S. goods, that NAFTA will open a market that does not exist. The facts are that of Mexico's 90 million people, many are poor, but with its growing middle class, Mexico is buying seventy percent of their imports from the United States. As a nation, Mexico purchases more U.S. goods than any of our trading partners in Europe or Japan.

Caterpillar says signing the agreement will mean 1,200 more jobs in Illinois. If NAFTA is approved, the ten to twenty percent Mexican tariffs on Caterpillar products will be dropped but not on Caterpillar's principal competitor in Japan, with clear benefits to our country. A sample of my mail from other Illinois companies illustrates the potential: L.R. Gross of Nalco Chemical in Naperville writes: "NAFTA will help Nalco create high-skill jobs in the area of production, distribution, sales, marketing and research. Every additional $1,000,000 in sales creates four to five new Nalco jobs. The majority of these jobs will be in the United States." Lauren S. Williams of the NutraSweet Company of Deerfield says: "NAFTA will have significant positive benefits for the NutraSweet Company. . . . We have no plans to manufacture our products in Mexico when NAFTA is implemented. Our ingredients are imported into Mexico and incorporated into products by local food manufacturers. And we see great potential for growth in this market. For example, while Mexico has per capita soft drink consumption second only to the United States, the diet portion of the market is only about two percent, compared to almost thirty percent in the U.S." John Kennedy of James Electronics in Chicago: "NAFTA will have no effect on a manufacturer's decision on opening plants in Mexico. We can do it today with or without the treaty. . . . I established a sister plant in Mexico in 1989 . . . 125 miles south of the border. It has not taken jobs from Chicago, but has added over 100 jobs here." John Bryan of Sara Lee, based in Chicago: NAFTA will "create additional higher-paying jobs in U.S.-based yarn and textile operations." Richard White of Flexible Steel Lacing in Downers Grove: "The elimination of Mexican tariff barriers will greatly improve our access to the fastest growing market in North America. Our sales in Mexico have grown 60 percent since 1992, and with NAFTA could triple between 1991 and 1995. 95 percent of Flexco products sold in Mexico are made in the U.S. . . . Additional unit sales volume to Mexico will help to lower our overall operating costs and enable further employment growth in Downers Grove, as well as providing us a stronger competitive position in other world markets." Charles T. Wegner IV of Jel Sert in West Chicago says that they "have achieved only a modest presence in Mexico. . . . The economic and regulatory unpredictability make it imprudent to commit to any significant or long-term activity." But he writes that if NAFTA is approved, they expect a major effort in Mexico and additional jobs in our country. Sundstrand of Rockford has 2,900 Illinois employees and a total of 11,000 employees. James F. Ricketts writes: "NAFTA will have a positive impact upon employment levels both in the Sundstrand United States' facilities and in the joint venture operation in Mexico." John Thompson of IBM's Chicago office: "In 1992, IBM did approximately $1 billion worth of business in Mexico. This was a 53 percent growth rate over 1991. . . . which is occurring in an environment of 10 percent to 20 percent tariffs on those exports. With the elimination of Tariffs under NAFTA, IBM will have an even greater opportunity for exports, which translates into stronger demand for IBM's U.S. manufacturing facilities." Stuart Scheyer of the Decorel Company in Mundelein, the world's largest manufacturer of picture frames, writes: "We recently made a significant investment in Mexico, a 60,000-foot factory in Durango, Mexico with 200 employees. . . . The 200 jobs that we have in Mexico are in addition to an increase in workers that we have in the Chicago area. We have not transferred a single job from the United States to Mexico." He notes that he is moving jobs from Asia in Mexico and the United States and adds: "A Mexican worker purchases U.S. products. A Far East worker does not." Illinois is the nation's leading candy manufacturing state. The National Confectioners Association estimates that the elimination of the twenty percent candy tariff by Mexico will create 750 additional jobs in Illinois. Kent Kleinschmidt of the Illinois Corngrowers expects an increase of twenty cents per bushel in the price of corn because of NAFTA and a savings to taxpayers of $1.2 billion in farm subsidies. All agriculture, with the exception of fruit and vegetable farming, is expected to benefit. Other industries that will benefit from NAFTA include machine tools and auto parts, major factors in our nation and in my state.

Illinois exports to Mexico increased 384 percent between 1987 and 1992. In terms of short-term job creation, NAFTA is a plus, but some industries and people will be hurt, and we must not ignore that reality. Much of the American middle class is in agony over the economic changes and dislocations of recent years. Families have seen their economic security slip, and many have become bitter and cynical toward a government that has seemed to do nothing to come to their aid.

NAFTA will not address the economic pain of the middle class in a meaningful way. This is not a reason to oppose NAFTA; but it places a moral obligation on NAFTA's supporters to develop a coherent plan and policy to restore economic opportunity and security.

In the medium-term, Mexico will experience more job growth than the United States as a result of the NAFTA agreement. As it becomes clear under NAFTA that there is an increasingly stable political and economic situation in Mexico, there will be more Mexican money invested in Mexico, and more money will be invested by Asian, Western European and U.S. interests. There will be some shifting of plants, particularly from Asia, to Mexico. Zenith has already announced that it will shift some television production from Taiwan to Mexico. As NAFTA increases the standard of living for people in the large U.S.-Canada-Mexico market, corporations around the world will want to sell in this market. The U.S. and Canada now have an edge over Mexico in skilled workers, but that advantage is likely to diminish over the coming years as Mexico stresses education. The United States has

significant transportation advantages that will bring many of these new businesses to us, but Mexico is likely to be experiencing greater growth a decade from now, both in numbers of jobs and in its standard of living. As the General Accounting Office report accurately summarizes: "Economic researchers in general agree that NAFTA would bring a small overall economic benefit to the U.S. and Canadian economies, and a larger benefit to the Mexican economy." Under NAFTA, what helps Mexico in the medium-term ultimately helps the U.S.

Long term—thirty years from now—all three nations are likely to experience significant growth if all three stress developing a more skilled workforce and put their fiscal houses in order. The standard of living in Mexico is not likely to be as high as we have in the United States, but the gap in the quality of life will have diminished markedly. That will make Mexico a significantly larger purchaser of U.S. products. That means jobs.

The closest comparison to the NAFTA agreement that might provide insights is the affiliation of Spain, Portugal, Ireland and Greece with the European Community—four poorer nations joining a wealthier central body. The average growth rate of the four exceeded the growth rate of the other nations of the European Community by 3.7 percent to 2.8 percent. The affiliation of the four nations did not harm the central body.

However, it is easy to exaggerate—on both sides—the impact on NAFTA. It will have an impact that is generally positive, but it is not a patent-medicine cure-all for what ails us. The International Trade Commission estimates that by the end of the first year of NAFTA, there will be a net increase of 171,000 jobs in the United States, not a huge number in a nation of 240 million people. That would reduce our unemployment rates less than two-tenths of one percent. One important fact should be remembered: Whether NAFTA is approved or not, if we don't improve the skills of our work force and pay attention to the nation's fiscal problems, we will suffer a continued gradual decline in our standard of living. If we do a better job of preparing our work force and have the courage to face our fiscal deficit, we will experience an increase in our quality of life. No elixir of NAFTA or anything else is a substitute for addressing our education and fiscal problems.

What about illegal immigration?

Mexico today has a population of approximately ninety million people. Despite a declining birth rate, eventually, Mexico will achieve a total population of more than 200 million. Nothing speeds a decline in a national birth rate as much as an increase in the standard of living. Lifting the quality of life through NAFTA, therefore, will relieve population pressures and lessen the expected growth of illegal immigration. And the growth in job opportunities and wages reduces the attraction of employment in the north. The commission to look at illegal immigration, established by Congress in 1986, urged a free trade agreement between the United States and Mexico, calling it "the single most important long-term remedy to the problem." Few Mexicans come into the United States illegally because they like our cultural life; they come because they have little opportunity to earn a decent living in the country of their birth. NAFTA will not solve the illegal immigration problem, but it will assist in its solution.

Are there U.S. foreign policy considerations in this vote?

The United States has been fortunate to be bordered by two oceans, by a nation to the north we generally do not regard as a foreign nation, and a nation to the south that we have largely ignored. To continue down that path of indifference increasingly will be as difficult as it is wrong. A rebuff to NAFTA would hurt us in Mexico and in all of Latin America. Our historic cold shoulder to Mexico has been a burden to Mexico but will be a burden to us if it is continued. Former Speaker Jim Wright of Texas has written: "Not in the past 75 years has Mexico's elected leadership been so staunchly and outspokenly pro-U.S." However if NAFTA is turned down, Mexico is not likely to simply smile and docilely accept our position. If we muff this opportunity, Mexico is likely to enter into a free trade agreement with Japan or some other major economic entity. That would not be good for the United States and not as good for Mexico as a trade agreement with us, but we should be aware that you can wound the pride of a nation only so many times before it looks for other friends. If Henry Kissinger is correct that this nation "has never had a neighbor of the importance Mexico will acquire in the next century," we should weigh NAFTA carefully, recognizing that approving it will help Mexico achieve greater stability in both politics and economics. That is in our self-interest.

What about the environment factors?

Environmental groups are split on this. Improvement would come in the border area; right now that is a mess. NAFTA would cause a significant increase in the use of natural gas in Mexico, reducing the emission of carbon monoxide, nitrogen oxides, sulfur dioxide and carbon dioxide. How effectively and strictly Mexico would enforce the environmental side agreement is not clear, though it is a good gamble that the National Wildlife Federation, the World Wildlife Fund, the Nature Conservancy, the Audubon Society, the Environmental Defense Fund, the Natural Resources Defense Council and Defenders of Wildlife have all endorsed NAFTA. What is indisputable historically is that as democracies have increased their living standards, they have become more sensitive to environmental factors, and NAFTA will increase the standard of living in Mexico.

What about those working men and women and businesses who will be hurt by NAFTA?

It is both morally right and smart policy to provide assistance to those harmed by NAFTA.

Assistance to businesses should be planned through loans that are not available through conventional credit sources. The Small Business Administration can help, though most businesses should find assistance from the traditional thrift institutions.

The problem of working men and women is more complex. It is a problem with or without NAFTA. Economic dislocations—and the absence of any serious policy response from the federal government—have created an enormous need for a program of economic relief and revitalization. This is complicated by an increasing bitterness and cynicism toward government that has seemed to sit idly by while our living standard has declined.

Such a program must include a serious retraining program for dislocated workers. Our economy is too dynamic, too globally linked for us to afford not to provide life-long training and retraining for our workers. That will only work if there are jobs waiting for those trained. We need to invest more in technologies; expand and accelerate improvements in our highways, water and sewer systems; promote high-speed rail and the information superhighway, and insist that our trading partners expand access to their markets for our products. We also must get our fiscal house in order: stop running huge deficits, and reduce the growth in our national debt, lowering the cost of capital and lifting our overall economy.

We need to demonstrate to middle-class Americans that government is on their side.

But this problem goes beyond just the middle class. More than one-fifth of the children of this nation now live in poverty, and the number is growing. No other Western industrialized country has such a miserable record. This is not the result of an act of God but the result of flawed policy. We have increasingly segregated the nation economically, and as fewer and fewer of the poor are our neighbors, it is easier and easier to ignore them. And our system of financing election to public office makes political leaders more and more responsive to the economically powerful and less and less responsive to our poorer citizens. NAFTA gives us an opportunity to reexamine our policies.

President Clinton says he wants welfare reform. So should we all. But there is no short-term, inexpensive way of achieving genuine reform. What we need is a federal jobs program similar to the old WPA. Anyone out of work five weeks or longer should have an opportunity to work on local projects four days a week at the minimum wage, and the fifth day, he or she should be trying to find a job in the private sector. At the current minimum wage, four days a week would mean $535 a month—not a great deal of money—but the average family on welfare in Illinois receives $367 a month; in Mississippi, $122 a month. Then, screen people as they come into the program, and if they cannot read and write, get them help; if they have no high school equivalency, enroll them where they can receive assistance; if they have no marketable skills, get them into a community college or a training program that gives them a marketable skill. We have a choice of paying people for doing nothing or for doing something, and we have made the wrong choice, both for them and for our society. We need to invest in our people. In every community of unemployed, we have large unmet needs. Why not convert the liability of unemployment into a great national asset as the nation did almost six decades ago? Such a program would have one additional, huge advantage over the present welfare programs. Our colleague Senator Daniel Patrick Moynihan has written eloquently about the breakdown of the family among the poor. Our present welfare programs reward parents of children for not living together. A modified WPA program would do the opposite. Not only would one member of the household be eligible for the $535-a-month job, two members would be eligible, bringing the family income to a more livable $1,070 a month.

Business leaders who are promoting NAFTA would find a more receptive congressional audience if they combine their NAFTA support with support for those who are hurting in our society. A Band-Aid training program is not enough. President Clinton would find it easier to sell a combined program of NAFTA and jobs to selling NAFTA alone.

* * * * *

Columnist Carl Rowan, four weeks ago, wrote: "When fear is at war with promises and hopes, fear almost always triumphs. And NAFTA is being assailed by some very potent peddlers of fear. . . . Twelve Nobel Prize-winning economists have endorsed this free trade agreement. . . . I don't believe anyone will suffer in the long run from a

trade pack that makes Mexico a more prosperous country and offers reasons for its citizens to stay home." (Chicago Sun-Times, September 19, 1993.)

We cannot reinvent yesterday. The world's economy is moving on. We can hunker down and let it pass over us as we see our standard of living decline, or we can welcome the challenge of tomorrow and the opportunity to work with other nations as we rebuild our own. NAFTA offers us an opportunity to follow the wiser course. Let us work with Mexico—and also with the underdeveloped nation within our borders.●

RECOGNITION OF CAMPAIGN FOR HEALTHY BABIES

● Mr. COATS. Mr. President, Indianapolis, the capital of my home State of Indiana, is one of the Nation's most livable communities. Indianapolis is located in the heart of Marion County, a historic, growing region with a vibrant economy and a deep commitment to building strong families.

It is this commitment that motivated Marion County residents to initiate their Campaign for Healthy Babies in 1991. The campaign began as a result of a disturbing study of infant mortality among Marion County's African-American population. The study showed that in 1987, the county's black infant mortality rate was the highest among the Nation's big cities, at 24.2 deaths per 1,000 births.

Needless to say, the tragedy reflected in this statistic could not stand. So the campaign decided to take several important steps to safeguard the lives of pregnant black women and their unborn children. Among them were:

A commitment to educate the city's populace of the need for sound prenatal care and healthful habits during pregnancy;

A program to recruit volunteers who could link with at-risk mothers, advocate for them, and transport them to care;

And an effort to draw at-risk mothers to prenatal care and help them gain access to the medical and health services they need.

Mr. President, in a word, the program is succeeding. Hoosiers throughout Marion County rallied to the cause and went to work. In the first 7 months of this year, the infant mortality rate among Indianapolis' African-American community has fallen to 11.2 percent—still too high, but a dramatic improvement from just a few years ago and only about half the rate from 1992.

And there is more good news: The number of black babies with very low birth weights has dropped to 1.9 percent this year, compared with 3.1 percent for 1992.

The Campaign for Healthy Babies performs the finest service any governmental agency can offer: It saves lives. The staff of the campaign and its many volunteers deserve our thanks, our esteem, and our recognition.●

HEALTH CARE COSTS CAN AND MUST BE CONTAINED

● Mr. DASCHLE. Mr. President, I commend to my colleagues' attention an excellent article featured in the Wall Street Journal last week as part of its "Health Care Second Opinions" series. In this article titled "A Billion Here, A Billion There," Prof. Uwe Reinhardt, a professor of political economy at Princeton, challenges President Clinton's critics to explain why the Clinton cost containment provisions are too ambitious. Indeed, as Professor Reinhardt states, the "burden of proof ought not to rest with the President."

I could not agree more. It amazes me that some believe we cannot keep health costs within 17 percent of gross domestic product. In fact, I would like to think that we can do better than this, but I realize that cutting the rate of growth in spending cannot and will not happen overnight.

But we must act now, for we face a genuine health care crisis. This is not the time to chastise the President for making a serious attempt to contain skyrocketing health costs—something others have refused to do. If we do not act soon to pass comprehensive reform that includes real cost containment, millions of individuals, businesses, and the economy as a whole will continue to suffer.

Professor Reinhardt makes a strong case for the President's approach on, and goals for, cost containment, and he rightly challenges the critics to explain why we cannot—or should not try to—hold down and health care cost inflation. I ask that the article be printed in the RECORD and I urge my colleagues to listen to Professor Reinhardt's advice and challenge the naysayers and the critics of genuine reform who believe we cannot achieve the worthy cost containment goal the President has set before us.

The article follows:

[From the New York Times, Oct. 18, 1993]

A BILLION HERE, A BILLION THERE

(By Uwe E. Reinhardt)

PRINCETON, NJ.—The Congressional Budget Office forecast last spring that, at current trends, the United States will spend 19 percent of its gross national product on health care in the year 2000, up from 14 percent today. "Impossible!" shouted America's pundits. That level of health spending, they said, would bankrupt the country.

This fall, President Clinton proposed to bring that projected growth down to year 2000. "Impossible!" shouted America's pundits. Such a steep decline in spending would lead to rationing of care, they argued.

While Americans are thus meandering from despair over the prospect of deprivation at 17 percent to angst over financial collapse at 19 percent, no other industrialized nation would even contemplate spending as much as 17 percent of its G.N.P. on health care, and none of them spends even 10 percent today.

Why, then, should President Clinton be made to show 17 percent is an implausible goal? It is the President's critics who should demonstrate that it is unattainable.

Let us examine the projected cuts in spending on Medicare, the health insurance program for America's elderly. For that program, the President would allow annual spending to increase from $128.8 billion in 1993 to as much as $207.8 billion in the year 2000. That represent an average annual compound growth rate of 7.1 percent. Can America's physicians really look the taxpayer in the eye and argue that, even accounting for inflation, $207.8 billion they could not treat the elderly properly in the year 2000?

To put that question in perspective, consider some fascinating data published in The New England Journal of Medicine on March 4, 1993. The authors of an article on Medicare spending in cities found that, in 1989, after adjusting for differences in age and gender, Medicare payments for doctor's care, per beneficiary, varied from lows of $822 in Minneapolis, $872 in San Francisco and $954 in New York City to highs of $1,493 in Detroit, $1,637 in Fort Lauderdale and $1,874 in Miami.

Should not America's physicians, and the legislators from the high-cost states, be made to defend these differentials to the taxpaying public? Suppose Congress arbitrarily slashed Medicare reimbursements for Miami physicians by a global 20 percent. Even after this budget cut, Miami physicians would still be absorbing 57 percent more Medicare dollars per beneficiary than would their colleagues in New York, and over 80 percent more than their colleagues in Minneapolis.

Consider another point. Many critics argue that the 37 million currently uninsured Americans could not possibly be accommodated at spending levels of "only" 17 percent of the G.N.P. Oddly enough, some of the same critics also assert that these Americans merely lack health insurance, not health care, for they allegedly receive adequate treatment at the expense of paying patients to whom the cost of that charity care is shifted.

But if the uninsured already get the care they need, why should insuring them all of a sudden break the national bank? On this point, too, opponents of the President's health care plan should try harder to get their stories straight.

The Clinton Administration's proposal is complex enough to offer any would-be critic many targets of opportunity. It is puzzling that the spending forecast is chief among them. Sure, the President could explain his forecast better than he has so far; the secrecy surrounding the basis of his numbers is puzzling. But the burden of proof on this issue ought not to rest with the President. It rests on the shoulders of his critics, for it is they who have much explaining to do.●

THE NUISANCE ABATEMENT PROGRAM IN COOK COUNTY, IL

● Mr. SIMON. Mr. President, the nuisance abatement program in Cook County is fighting drug crime in Chicago in an innovative way. The program, carried out by the Cook County State's attorney's office, uses civil eviction laws to remove drug dealers entrenched in housing projects and illegitimate businesses. Through the combined effort of the State's attorneys office and the Illinois delegation, I am pleased to report that this outstanding program, which was no longer eligible for Federal assistance, will continue to

be eligible for Federal funding for another year. I am optimistic that this additional year of eligibility will be of great help to the program.

I thank Chairmen HOLLINGS and SMITH, as well as Chairman BROOKS in helping in this effort and ask that the following article, which describes the effectiveness of the nuisance abatement program, be included in the RECORD: "Pushing Out Pushers, the Chicago Way," the Christian Science Monitor, October 13, 1993.

The article follows:

PUSHING OUT PUSHERS, THE CHICAGO WAY

(By James L. Tyson)

CHICAGO.—The steady hum of lawn movers mixes with children's laughter in west Chicago, suggesting idyllic pride and security in workaday America. Carefully swept walks in the Northwest Austin neighborhood lead through beds of marigolds, zinnias, and tight-clipped hedges to the welcome of broad front porches.

But the trim stucco or red-brick homes conceal the incursion of narcotics into another seemingly solid Chicago neighborhood. Over the past several years, drug dealers have moved into many homes in the area, bringing theft, stabbings, and gunfights with them.

Neighborhood leaders in a grass-roots movement have fought back using building codes and narcotics laws with the aid of lawyers at the narcotics nuisance abatement unit in the Cook County State's Attorney's Office.

By warning or suing landlords who are connected with the drug dealing, knowingly or otherwise, the residents of Northwest Austin and county lawyers have shut down 15 drug dens.

In 35 other sites out of the 130 households in the small enclave, they have pressured landlords into voluntarily evicting pushers and addicts. They have flushed the dealers into the streets, where some of the dealers still remain active but are more conspicuous.

"We call it going from dope to hope," says Leola Spann, president of the Northwest Austin Council and a leader of the council's first legal assault on a drug den in 1990. Countywide, the narcotics unit has driven dealers from several hundred drug dens.

Now, however, Mrs. Spann and other residents may have to face the pushers alone. Under a restriction in the Anti-Drug Abuse Act, Congress next year is scheduled to cut $564,000 of the $754,000 annual budget for the county's drug-abatement unit.

Northwest Austin would try to make do by seeking pro bono help from law schools in Chicago, says Elce Redmond, executive director of the Northwest Austin Council. But a budget reduction for the abatement unit would hamper the neighborhood battle against drugs.

"We definitely need it [the abatement unit]," Spann says.

"Community groups are not the best tool we have to go against drugs, we don't have the resources to do the legal work or the research," she says.

The state's attorney's office is urging Congress to exempt the abatement unit from a sunset provision that limits funding to the four years ending July 31, 1994. With the help of Sen. Paul Simon (D) of Illinois it is asking that Congress allow the unit to reapply for funding in future years from the Illinois Criminal Justice Information Authority.

"It will be a long shot," says Jeff Travis, spokesman for the Illinois authority. He says Congress will probably deny the exemption in order to forestall a flurry of copycat requests from similar efforts across the country.

The unit will also probably encounter a skeptical ear from the White House, adds Mr. Travis. The Clinton administration has indicated that it will strengthen drug treatment rather than emphasize heavy law enforcement in its efforts against narcotics.

But Jack O'Malley, the Cook County State's attorney, says that Attorney General Janet Reno has voiced support for the unit and says her office will consider ways to sustain its funding.

Mr. O'Malley depicts the abatement unit as a novel hybrid of hard and soft tactics against drugs. Instead of treating narcotics users, it treats neighborhoods by encouraging self-confidence and empowering citizens to drive out pushers, he says.

"I'm absolutely convinced that we can have all the hard-line enforcement we want, but we will not turn the tide," O'Malley says.

"What we must do to ensure that the segment of the population that is intolerant toward drugs is the segment in control. This [the abatement unit] is an incredible useful tool for them," he says.

After years of watching violence spiral and property values decline, the Northwest Austin Council took the offensive against drug dealers in September 1990. Upholding a little-known law called the Controlled Substance and Cannibis Nuisance Act, it sued a woman who ran a neighborhood narcotics den from her jail cell.

Under the law, the owner of a property must halt narcotics activity of face a possible court order requiring that the property be vacated and boarded up for a year.

The successful suit cleared the way for several more. Today, landlords can be compelled to evict narcotics dealers just with a letter or a warning.

By working with the unit, many people in Northwest Austin have revitalized their civic spirit and confidence. "People know they have tools to fight back and it gives them a sense of hope that things are not going to fall by the wayside and their neighborhood won't be totally besieged," Mr. Redmond says.●

HONORING JOHN GAGLIARDI

● Mr. DURENBERGER. Mr. President, I rise today to honor one of the most distinguished coaches in the history of college football—John Gagliardi of St. John's College in Collegeville, MN.

If I do not say that he is the best coach in the history of St. John's, it is because my dad, George Durenberger, coached there before him—and there is a lot to be said for family loyalty.

But it remains a cause for the Durenberger family pride that my father hired Coach Gagliardi—who has coached more college football victories than all but four other individuals. As the fifth-winningest coach ever, he won his 300th game last Saturday at Bethel College.

It was wonderful to be there last Saturday with so many friends and supporters of Coach Gagliardi. The hearts of Minnesota were with Gagliardi and the Johnnies as they beat Bethel by a convincing score of 77 to 12.

I know that my colleagues will join me in applauding what has been a terrific 41-year record of excellence—and in wishing Coach Gagliardi all the best as he and the Johnnies face St. Thomas for win number 301 this Saturday.

One thing for sure: The story of the Gagliardi years has many wonderful chapters that remain to be written.

I ask that a profile of John Gagliardi from the Pioneer Press Daily of October 15 be included at the conclusion of my remarks.

The article follows:

[From the Pioneer Press Daily, Oct. 15, 1993]

GENTLE GIANT OF COLLEGEVILLE

(By Mike Augustin)

COLLEGE HONOR ROLL—FOOTBALL'S MOST WINNING COACHES

1. x-Eddie Robinson, Grambling State, 383–138–16.
2. Paul 'Bear' Bryant, Alabama, 323–85–17.
3. Amos Alonzo Stagg, Pacific, 314–199–35.
4. Glenn 'Pop' Warner, Temple, 313–106–32.
5. x-John Gagliardi, St. John's, 299–95–10.
6. x-Ron Schipper, Central of Iowa, 257–61–3.
7. x-Joe Paterno, Penn State, 252–67–3.
8. Woody Hayes, Ohio State, 238–72–10.
9. Bo Schembechler, Michigan, 235–65–8.
10. Arnett Mumford, Southern, 283–85–23.

X—active.

John Gagliardi coaches football on a picturesque campus in remote Collegeville, Minn. It has been years since he left his office to recruit.

Yet Gagliardi has a larger profile than many coaches in Division I. He is a bigger-than-life figure in small-college circles.

Now in his 41st season at St. John's and 45th as a college coach, Gagliardi has attained this rare position by winning games at an astonishing rate while adhering to a unique system that other coaches say cannot work.

He has endeared himself to hundreds of players because he has convinced them they can be more than they dreamed. He has won many in the media by treating life as a minefield ready to explode in his face. Gagliardi's gallows humor while exorcising his demons is legendary.

Now Gagliardi stands one victory away from a numerical achievement that will forever place him among the giants of college football. At 299–95–10, he needs one more victory—maybe Saturday at Bethel—to become the fifth college coach ever to win 300 games.

The four men who have already reached that milestone constitute a Who's Who of the game—Eddie Robinson (383), Bear Bryant (323), Amos Alonzo Stagg (314) and Pop Warner (131).

"If I had known 300 was such a big deal, I would have scheduled more games in those years we only played eight or nine," said Gagliardi, whose team is 5–0 this season. "Three hundred means longevity and winning consistently—that's all."

A YOUNG START

Gagliardi began coaching as a high school senior in Trinidad, Colo. The regular coach was drafted into service during World War II and Trinidad Catholic considered dropping football. Gagliardi persuaded authorities to let him be player-coach. He won his first conference championship at age 16 while playing halfback.

He coached three more years at Trinidad Catholic, then two at St. Mary's High School in Colorado Springs while attending Colorado College. His prep teams were 32–17 and

won four conference championships. "I went past 300 a long time ago, counting high school," Gag says.

He joined the college ranks in 1949, coaching three sports at Carroll College in Helena, Mont., for $2,400. Minnesota's coach was Bernie Bierman. Bud Grant was still a player. So was Jim Malosky. Gagliardi's first college team was 6–1 and won the first of three conference championships in four years.

During that time, Gagliardi met Bill Osborne, a high school coach in Billings who had been a three-sport star at St. John's. Osborne recommended Gagliardi for the St. John's job in 1953.

Gag's predecessor was Johnny "Blood" McNally, a former St. John's player who had become known as Green Bay's "Vagabond Halfback" and earned a spot in the Pro Football Hall of Fame.

Gagliardi remembers McNally pulling him aside when he arrived in Collegeville for his interview. "He whispered, 'It is impossible to win here. The monks don't want to give you a damn thing.'" Gagliardi says.

St. John's had played football since 1900 and its record was a modest 121–105–14. McNally was 13–9 in three seasons. The Johnnies had not won a MIAC title since 1938 when George Durenberger, father of Sen. Dave Durenberger, was the coach. Gagliardi's 1953 squad tied for the championship with Gustavus.

"There was something about him, we just knew we would win. He was a natural leader," says Jim Lehman, star running back on Gagliardi's early SJU teams and father of PGA Tour golfer Tom Lehman.

A WINNING FAMILY MAN

Gagliardi was a 26-year-old bachelor with dark, wavy hair when he took the St. John's job. He cut a dashing figure in the singles haunts around St. Cloud.

On May 17, 1955, he dated Peggy Dougherty, a nurse for the first time. He went home to Colorado that summer, and when he came back in August he brought along a diamond.

"We scheduled the marriage three times and John kept calling it off," Peggy says. "First he needed surgery, then he claimed the date conflicted with Christmas vacation. I finally said we will do it or we won't do it, but no more delays. We were married on Valentine's Day in 1956."

Family and football are the two things into which Gagliardi pours his energy.

"The only time I thought seriously about leaving coaching was when my family was young," he said. "I was selling life insurance on the side and made more money in three months than I did all year in coaching."

After their four children had grown, Peggy became John's secretary in the athletic office. They have seven grandchildren.

Through the years Peggy has been an ideal sounding board for John's busy mind. John calls her his best friend. Antoinetta Gagliardi, 91, John's mother, sits by her phone in Colorado each Saturday, clutching her rosary and waiting for a call from her son with the afternoon's score. She has never seen a St. John's game. Brother Mark Kelly, a Benedictine monk who has been the coach's right-hand man, is a fixture in the extended family.

A DIFFERENT PHILOSOPHY

The Johnnies have the fewest assistant coaches in the MIAC—four, including Gagliardi's youngest son, Jim, the only aide who helps John with the offense. Gagliardi doesn't cut players, and usually has 130 or more on the roster. He entrusts the upperclassmen with teaching the system to the newcomers.

Jerry Haugen played four years at St. John's establishing records for kick returns and interceptions. He has coached at SJU in various capacities, including head baseball and football assistant for 18 years.

Haugen runs the defense, though Gag retains veto power.

"Legend has it I was the last player John visited at home, other than Rick Bell," Haugen said. "Coming out of Armstrong High School in 1971, I had a baseball offer from Dick Siebert at Minnesota. In the back of my mind I wanted to play football. My dad was a Johnnies grad, but never pushed it. John came to the house just before graduation. In his moments when he isn't thinking X's and O's or in the heat of battle, he is very soft-spoken. He won me over.

"Now Johnnies football has transcended my family. My boys—Casey, 9, and Lincoln, 7—can't think of missing a game. They say, 'The Johnnies are playing, Dad. We have to go.'"

Gagliardi probably won't be coaching long enough for Casey and Lincoln, but he has coached several father-and-son combinations.

"The first was Jim and Terry Sexton," says Lyle Mathiasen, an All-American tackle in 1973. "I played with Terry. He and his dad were honored one day at halftime. I thought, 'Wow, that was long ago.' Now my son, Jason, plays for John. Another son, Matt, plays for Gary Fasching at (St. Cloud) Cathedral. Gary played for John, and uses John's system. At dinner, I'll say, '93 didn't work today.' My kids think I read their playbook, but, really, it's the same old stuff. John's system is simplistic. He still runs a little inside trap, and calls it 52. No 'blue' this or 'red' that."

A WINNING TRADITION

Yet Gagliardi's teams have evolved over time.

The Johnnies won national championships in 1963 and '65 with teams that set defensive records. In '63, they gave up 12.8 yards a game on the ground, a NAIA record that still stands. In '65, the Jays had seven shutouts in 11 games, allowing a total of 27 points. They won their second NAIA title in a 33–0 rout of Linfield (Ore.) at Augusta, Ga.

A decade later in 1976, St. John's won a NCAA Division III championship with an emphasis on what Gagliardi calls the quadruple option. Quarterback Jeff Norman and running back Tim Schmitz set individual records and the Jays established team marks for yardage and points.

In the 1980s, the Johnnies began doing it with passing. Each of their past seven quarterbacks—Dennis Schleper, Rick Dougherty, John Lahti, Steve Varley, Pat Mayew, Wade Labatte and Willie Seiler—has been ranked among the top 10 nationally in Division III passing efficiency.

"Sure we have adjusted," Gagliardi says, "but it is like the holes on your belt. You add one every few years and don't notice the change.

"But we use many of the same basics. Cars have improved, but they still have four wheels. Maybe the adjustments have been easy for me because I don't have assistant coaches to check with."

Gagliardi tells his players St. John's succeeds because it dares to be different.

THE LIST

The most publicized aspect of being different is his list of no's—no scrimmaging, no headsets, no running laps, no grading films, no insisting on being called "Coach," no whistles, no clipboards, no slogans, no practice apparatus, and many more.

"In some ways we are at the forefront of change," Gagliardi said. "I was one of the first to use videotape. Young coaches stayed with film. Now everyone uses tape. We practiced in shorts when no one else did. We wore soccer shoes in practice in 1960, and made them optional for games. Coaches told me that would never work."

Gag has been wrong occasionally.

"I fought like hell when the MIAC took away spring football," he recalls, "but it hasn't made any difference. I also thought not having a phy ed major would hurt us, but it hasn't."

The 66-year-old coach has drawn criticism for running up the score, especially in recent years, but he always uses 100 or more players in one-sided home games. He catches flak because he allows his quarterbacks to call their own game and subs often use wide-open plays during their tiny window of opportunity. He could stop this practice, but Gagliardi feels the subs, like the starters, pay a lot of money for their education and deserve the chance to express themselves on the athletic field.

EARNING RECOGNITION

A Camellia Bowl victory in Sacramento, Calif., over Prairie View A&M for the NAIA championship in 1963 was St. John's breakthrough to national exposure. Prairie View, an all-black team that dominated Grambling during that era, had 44 scholarship players, including future NFL Hall of Famer Otis Taylor and his longtime Kansas City Chiefs teammate Jimmy Kearney.

"That has to be the best team we have ever played," Gagliardi maintains. "We didn't know how good we were until we beat them (33–27)."

Bernie Beckman was a star halfback, one of seven two-way players on the '63 team. Gagliardi likes to say he covered Taylor with "5–8, 165-pound Bernie Beckman, and three years later Vince Lombardi double-teamed him in the Super Bowl with Willie Wood and Herb Adderley."

Beckman, a Twin Cities business executive, chuckles at the memory.

"That's a little of John's embellishment," Beckman said. "I did cover Taylor when he came to my side, but didn't flip-flop when he went to the other side. The thing about John is he can make you feel so good about yourself. He doesn't treat everybody the same, but he treats everybody fairly. I don't remember him ever getting in my face. I think he knew that wasn't the sort of thing that would motivate me. I do remember him getting in the faces of other players."

Gagliardi shows old game films to each new class of recruits. He brings out the 1963 film and runs footage of Beckman getting low and blocking Concordia's Gary Larsen, who went on to be a defensive tackle for the Minnesota Vikings' vaunted Purple People Eaters.

"My wife, Nancy, asked a few years ago what I wanted for Father's Day," Beckman said. "I told her I would really like a video of the Prairie View game. She called John. He not only sent that game, he put together a highlight package of the '63 season. He led it off with me blocking Larsen and made a comment about how I have demonstrated the proper technique for future Johnnies. That is very special to me."

Tim Fristrom was a defensive end on the 1976 national-championship team. He is among many Johnnies who have been exposed to highlights of Beckman, Craig

Muyres, Ken Roering, John McDowell, Bob Spinner, Dave Honer and other great players from the '63 team. "Beckman is an immortal," Fristrom said. Just as Norman, Schmitz, Ernie England, Joe Wentzell and Jim Roeder from 1976 have become hallowed names to a later generation of SJU players.

The '76 team won the national title over Towson State (Md.) in the Stagg Bowl at Phenix City, Ala. The Jays blew a 28-0 lead, then won 31-28 on Norman's field goal on the final play.

WINNING BEFORE THE GAME

The two playoff games before Towson ended in 46-7 victory over Augustana (Ill.) and a 61-0 blitzing of Buena Vista (Iowa). The 107-7 differential underscores Gagliardi's effectiveness against unfamiliar opponents. His preparation has often mismatched the opposing coach.

"I had been a backup at three positions—end, tackle and linebacker—but my first chance to start came in the Augustana game," Fristrom said. "Terry Sexton hurt his knee and I started at end. It was the first time I practiced at one position all week. It was a team we never played before. John sauntered over to the defense early in the week and told us what to look for. Then it was just a matter of repetition."

On Augustana's first offensive series, two plays were run to Fristrom's side of the line, one the other way. It was fourth-and-nine. Augustana sent in the punter.

"As I came off the field, I had an amazing feeling," Fristrom said. "I was struck with how each of those plays had gone exactly as John had prepared us. One series into my first start, I felt we could counter anything they tried."

Mathiasen remembers a game against Gustavus that was played in a driving rainstorm.

"John hates cold, snow and rain, so we always practiced indoors when the weather was bad," Mathiasen said. "It was 0-0 at the half against the Gusties and it was raining so hard we almost had a drowning. Ron Binsfield was facedown in a puddle under a pile of players. He was turning blue when we unpiled.

"Anyway, John came in at halftime and started talking about how we love to play in the rain, how we play better in the rain than any other team. We looked at one another and couldn't believe what we were hearing. But he convinced us. We went out and won the game.

"John doesn't oversell. There is not much Rockne in his talks. But you look at him and tell yourself, 'I believe you.' "•

WHITE HOUSE EXECUTIVE ORDER ON RECYCLING

• Mr. GORTON. Mr. President, last week, the long-awaited White House Executive order on recycling was announced by Vice President GORE in New York City. The order would mandate the Government purchase only recycled paper. It also requires an increase in the recycled paper content included in printing and writing paper.

Over the past several months, the Executive order has become the subject of much debate between the pulp and paper industry and environmentalists. My office has received a fair amount of mail on the subject, many supporting the proposed Executive order, and many adamantly opposed to it. Undoubtedly the White House has received its fair share of mail, phone calls and visits from interested groups on this issue.

My interest in this announcement stems in large part from a bill which Senator BRYAN and I introduced during the 102d Congress on this same subject. When Senator BRYAN and I introduced the Recycled Paper National Market Enhancement Act of 1991, we were trying to encourage the development of markets for recycled paper and increase the purchase of recycled products by the Federal Government.

Our legislation required that the Federal Government gradually increase its purchase of paper with a 20-percent post consumer content. The bill would have gradually increased the purchase of recycled paper products by the Federal Government from 33 percent to 50 percent of total purchases over a 4-year timeframe. At that time the post consumer content numbers were viewed as too high by industry and not high enough by environmental groups.

In contrast, the White House Executive order prescribes a 20-percent post consumer content for 1994 and that number will be bumped up to 30 percent by 1998. Only paper which meets this content standard would be eligible for purchase by the Federal Government.

The reaction from environmentalists and industry representatives was largely positive. A representative from the American Forest Products Association stated that "we share [the White House] goal." And environmentalists praised it as "a real step forward."

The goal of our legislation was to help encourage the development of markets for recycled paper and stem the flow of waste paper into our landfills. Clearly the White House order addresses these goals. The significance of these goals should not be underestimated because the economic principles of supply and demand continue to present a difficult hurdle for this nation to overcome with regard to recycled products.

Although I strongly agree with the principles of the order, I must object to one aspect of it pertaining to the use of chlorine. Initial discussions on the Executive order included a goal for the purchase of totally chlorine free products. The totally chlorine free goal did not make it into the order, but the order does include a provision on the "Removal of Unnecessary Brightness Specifications." Specifically the order states:

GSA will revise all paper specifications in order to allow agencies to acquire paper made with processes that minimize emissions of harmful byproducts, including chlorinated compounds.

The White House press release on the order further states that,

According to some studies, harmful byproducts from paper production include chlorinated substances that can cause environmental damage including an increased risk of cancer. This order allows agencies to purchase paper that does not pose these problems.

Although the White House does not mention totally chlorine free within its order, it is clear that the order's intent is to require the purchase of chlorine free paper products.

The pulp and paper industry has made great strides over the past several years in reducing its use of chlorine and the related dioxin discharge associated with its use. I believe that to penalize the industry with the wording included within the order reflects an ignorance of what the industry has done to reduce the use of chlorine.

Although I disagree with the administration on this component of the order it does not diminish my overall support for what the order will accomplish.

Mr. President, over the past year, there have been many articles on the subject of recycling and the lack of markets for these products. And as many community leaders will tell you, the public is recycling at a rate that the market simply cannot absorb. The American people have embraced the idea of recycling and are doing it because it makes both environmental and economic sense. Whether it is dropping off newspapers at the local church, crushing pop cans from the week or composting grass clippings, Americans are doing their part to help protect our environment. The next step is to develop markets for recycled products.

The White House Executive order on recycling will do much to encourage the development of markets for recycled paper and stem the flow of paper into landfills. This administration deserves praise for undertaking such a difficult issue.•

GILBERT NEWTON LEWIS—GREAT SCIENTIST AND GREAT TEACHER

Mr. KENNEDY. Mr. President, last Saturday, October 23, would have been the 118th birthday of Dr. Gilbert Newton Lewis, a distinguished scientist from Weymouth, MA, whose pioneering work in physical chemistry and chemical thermodynamics laid the foundation for much of our knowledge of chemistry today. Those who knew and studied under Dr. Lewis were deeply impressed by his extraordinary analytic powers and his ability to get to the essence of complex problems and discern their far-reaching implications.

Nowhere are these intellectual qualities more apparent than in what many consider to be his greatest contribution to chemistry, the famous Lewis Dot Models used to portray the sharing of electrons among atoms in molecules. In addition, Dr. Lewis made renowned discoveries in acid-base chemistry, color and light emissions, isotopes, and the photon, which he in fact named.

Dr. Lewis is fondly and well remembered by generations of students and colleagues he inspired, first at Harvard and MIT and later as dean of chemistry at the University of California in Berkeley.

During his years at Berkeley, Dr. Lewis built one of the world's strongest departments of chemistry, bringing together accomplished research scientists and dedicated students intent on advancing their science. Dr. Lewis guided almost 300 talented students to their Ph.D. degrees, and many of them became well-known scientists in their own right in universities throughout the Nation. These students especially remember his weekly seminars—where complex ideas were examined, hypotheses tested, and experiments conducted—as one of the most influential and stimulating experiences in their education.

There is a story about the famous British scientist, Lord Rutherford, who was asked how he always happened to be riding the wave of modern physics. Rutherford replied, "Well, I made the wave, didn't I." Those who knew Dr. Lewis felt the same way about his leadership in chemistry. He was a great research scientist and a great teacher.

It is privilege to honor Dr. Lewis on this anniversary of his birth, and I know I am joined by his family, friends, and former students in remembering one of Massachusetts finest sons and a true pioneer of modern science.

Last month, Governor Weld of Massachusetts issued a proclamation designating October 23 as Gilbert Newton Lewis Day. I ask unanimous consent that Governor Weld's proclamation may be inserted in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS—A PROCLAMATION

Whereas on October 23, 1875, Gilbert Newton Lewis was born in Weymouth, Massachusetts to attorney Frank W. Lewis and his wife Mary; and

Whereas Gilbert Newton Lewis, a true son of the Commonwealth of Massachusetts, went on to study at Harvard University where he received his A.B., A.M., and Ph.D. by 1899; and

Whereas Dr. Gilbert Newton Lewis became a renowned and respected member of the scientific community, teaching at both Harvard University and the Massachusetts Institute of Technology, and went on to become head of the Department of Chemistry and its dean at the University of California at Berkeley; and

Whereas Dr. Gilbert Newton Lewis published 165 documents in his own field of science, as well as publications on economics and the beginning of history; and

Whereas Dr. Gilbert Newton Lewis established the University of California at Berkeley as a leader in the field of chemistry, producing scientists of immeasurable stature as well as historic scientific discoveries; and

Whereas Dr. Gilbert Newton Lewis was recognized for his outstanding accomplishments through medals, awards, and prizes from countless organizations, and he left a legacy which serves his memory well; and

Whereas it is fitting for the citizens of the Commonwealth of Massachusetts to recognize Dr. Gilbert Newton Lewis as a son of the Commonwealth who established himself as a true pioneer in the study of Chemistry as well as a true contributor to society: Now, therefore

I, William F. Weld, Governor of the Commonwealth of Massachusetts, do hereby proclaim October 23rd, 1993 as "Gilbert Newton Lewis Day" and urge all the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.

DISASTER IN INDIA

Mr. WOFFORD. Mr. President, at a time when we are examining the use of all our foreign assistance, I would like to remind my distinguished colleagues of the series of earthquakes that shook India on September 30 and which, by all estimates, took the lives of 10,000 people. The Indian Government's reaction to this disaster was immediate and determined. The armed forces, Government, and nongovernmental bodies, and the Indian Red Cross Society moved quickly to bring relief.

However, the cost in lives and property was staggering and despite international aid, including our own, the Indian Government now faces the daunting task of rehabilitating the area. I believe that we should bear in mind that the funds we have appropriated for India are truly needed. I also believe that the Indian Government will make good use of these funds, which will be more important than ever, given the scope of the disaster there and the work that must be done.

MEASURE INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 110

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Calendar No. 236, Senate Joint Resolution 110, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, OCTOBER 26, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Tuesday, October 26; that following the prayer the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of the motion to invoke cloture on the conference report accompanying H.R. 2520, the Interior appropriations bill, with the time from 9 to 10:30 a.m. for debate on the motion to invoke cloture, with the time equally divided and controlled between Senators REID and NICKLES or their designees; that at 10:30 a.m., the Senate then resume consideration of H.R. 3167, the unemployment bill, with 1 hour for debate beginning on the Hutchison motion to waive, with the time divided as follows: 20 minutes under the control of Senator MITCHELL or his designee, 40 minutes under the control of Senator HUTCHISON or her designee; that at 11:30 a.m., without intervening action or debate, the Senate vote on the Hutchison motion to waive the Budget Act; that upon completion of that vote, Senator NICKLES or his designee be recognized to make a Budget Act point of order against the bill; that once the point of order is made and a motion to waive the Budget Act has been made, there then be 1 hour for debate on the motion to waive with respect to the bill, with the time equally divided and controlled in the usual form; that once that time is used or yielded back, the Senate then stand in recess until 2:30 p.m., in order to accommodate the respective party conferences; that at 2:30 p.m., without intervening action or debate, the Senate vote on the motion to waive the Budget Act with respect to the bill; that upon the conclusion of that vote, the Senate resume consideration of H.R. 2520, the Interior conference report, with an additional 30 minutes remaining for debate on the motion to invoke cloture on the Interior appropriations conference report; that when the time is used or yielded back, the Senate vote on the motion to invoke cloture on the conference report with the mandatory live quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. MITCHELL. Mr. President, I wish to place all Senators on notice that if we are to meet the proposed deadline of adjournment by Thanksgiving, it will be necessary for the Senate to have lengthy sessions each and every day between now and then, with cooperation by Senators.

I have had a lot of encouragement from Senators, a lot of applause from Senators, a lot of thanks from Senators about the effort to obtain adjournment by Thanksgiving. What I have had is virtually no cooperation in trying to make it possible to achieve that objective. The very same Senators—and there are a large number of

them on both sides of the aisle—who say we ought to adjourn by Thanksgiving are among the least cooperative in attempting to make it possible to reach that objective.

We have to accomplish a certain amount of business before we adjourn, and although every Member of this Senate knows that I have been the principal advocate of adjournment by Thanksgiving, I hereby wish to state so there can be no confusion or misunderstanding in any Senator's mind, if we do not finish the business we are required to finish by then, we will be in session beyond Thanksgiving, and I will become the principal advocate of our doing so.

I ask every Senate office to place Senators on notice of this fact, and I intend to communicate this to each Senator at every opportunity between now and then. Senators cannot have it both ways. We cannot adjourn by Thanksgiving if we fail to use the time necessary to complete the public's business that we have a responsibility to complete before then.

Therefore, I am repeating, and everyone is now on notice, votes, including procedural votes, may occur at any time that the Senate is in session without prior notice between now and the time the Senate adjourns, if that is necessary. All Senators are on notice that they must be at a location that enables them to get to the Senate floor and vote within 20 minutes unless some announcement to the contrary is made.

And I repeat, I have been the principal advocate for adjournment by Thanksgiving. But my advocacy has been based upon the expectation that we will complete our business before then. And if we are continuously delayed and obstructed in doing so, then we will not adjourn on Thanksgiving, and I will be the one to see to it that the Senate remains in session thereafter with votes possible. We are either going to get our work done and leave by Thanksgiving, or we are not going to get our work done and stay after Thanksgiving. The decision is up to Senators. But Senators cannot have it both ways.

So I thank my colleagues. I do want to say that this requires cooperation, and it requires keeping of agreements made with leadership about what we are going to do or not do. When a Senator makes a commitment to be here at a time to offer an amendment or to take some other action, I expect that Senator to keep that agreement, to honor his or her word, and to be present as stated. It is simply not possible to conduct the business of the Senate under a circumstance in which I rely upon agreements of Senators and I rely upon assurances and commitments by Senators and then, if they do not keep those commitments and do not honor those assurances, the entire schedule of the Senate is cast into doubt and confusion.

So I encourage my colleagues to review the matter and to assist me in making the determination as to what is or is not important with respect to our actions in the next several weeks.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:27 p.m., recessed until tomorrow, Tuesday, October 26, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 25, 1993:

THE JUDICIARY

GARY L. LANCASTER, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA VICE TIMOTHY K. LEWIS, ELEVATED.

DONETTA W. AMBROSE, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA VICE GERALD J. WEBER, RETIRED.

WILKIE D. FERGUSON, JR., OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE WILLIAM M. HOEVELER, RETIRED.

CHARLES A. SHAW, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF STATE

SANDRA LOUIS VOGELGESANG, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

M. LARRY LAWRENCE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOHN F. HICKS, SR., OF NORTH CAROLINA, TO BE ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE ALLISON PODELL ROSENBERG, RESIGNED.

GEORGE J. KOURPIAS, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1994, VICE JAMES GRADY, TERM EXPIRED.

DEPARTMENT OF AGRICULTURE

ANTHONY A. WILLIAM, OF CONNECTICUT, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE, VICE CHARLES R. HILTY, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

MARGARET A. BROWNING, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING AUGUST 27, 1996, VICE MARY CRACRAFT, TERM EXPIRED.

NATIONAL MEDIATION BOARD

MAGDALENA G. JACOBSEN, OF OREGON, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR THE TERM EXPIRING JULY 1, 1996, VICE KIMBERLY A. MADIGAN, TERM EXPIRED.

DEPARTMENT OF LABOR

PRESTON M. TAYLOR, JR., OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING, VICE THOMAS E. COLLINS III.

ASSASSINATION RECORDS REVIEW BOARD

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE ASSASSINATION RECORDS REVIEW BOARD:

WILLIAM L. JOYCE, OF NEW JERSEY (NEW POSITION)
ANNA K. NELSON, OF THE DISTRICT OF COLUMBIA (NEW POSITION)

NATIONAL CREDIT UNION ADMINISTRATION

NORMAN E. D'AMOURS, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF 6 YEARS EXPIRING AUGUST 2, 1999, VICE ROGER WILLIAM JEPSEN, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. EUGENE H. FISCHER xxx-xx-xx... U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MARCUS A. ANDERSON, xxx-xx-xxxx U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. TEDDY G. ALLEN xxx-xx-x... U.S. ARMY.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED SATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general

BRIG. GEN. ROBERT J. BYRNE xxx-xx-x...
BRIG. GEN. MICHAEL W. RYAN xxx-xx-x...
BRIG. GEN. WILLIAM F. STEWART xxx-xx-x...
BRIG. GEN. GEORGE K. HASTINGS xxx-xx-x...

To be brigadier general

COL. FRANK A. CATALANO, JR. xxx-xx-x...
COL. LAWRENCE E. GILLESPIE, SR. xxx-xx-x...
COL. JOEL W. NORMAN xxx-xx-x...
COL. SALVADOR R. RECIO-SANCHEZ xxx-xx-x...
COL. EUGENE W. SCHMIDT xxx-xx-x...
COL. JOHN E. STEVENS xxx-xx-x...
COL. FRANCIS L. BRIGANTI xxx-xx-x...
COL. EMILIO DIAZ-COLON xxx-xx-x...
COL. JOHN E. PRENDERGAST xxx-xx-x...
COL. JUAN F. ROSADO-ORTIZ xxx-xx-x...
COL. MURREL J. BOWEN, JR. xxx-xx-x...
COL. FLETCHER C. COKER, JR. xxx-xx-x...
COL. RODNEY C. JOHNSON xxx-xx-x...
COL. THOMAS C. JOHNSON xxx-xx-x...
COL. GUIDO J. PORTANTE, JR. xxx-xx-x...
COL. JOHN C. ROWLAND xxx-xx-x...
COL. THOMAS E. WHITECOTTON, III xxx-xx-x...
COL. EDMUND C. ZYSK xxx-xx-x...
COL. FRANCIS A. LADEN xxx-xx-x...
COL. SIGURD E. MURPHY, JR. xxx-xx-x...
COL. MURRAY G. SAGSVEEN xxx-xx-x...

CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 25, 1993:

DEPARTMENT OF DEFENSE

JOHN J. HAMRE, OF SOUTH DAKOTA, TO BE COMPTROLLER OF THE DEPARTMENT OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. ANDREW M. EGELAND, JR. xxx-xx-x... REGULAR AIR FORCE.
COL. WILLIAM M. GUTH, xxx-xx-x... REGULAR AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. GORDON E. FORNELL, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES E. FRANKLIN xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN B. CONAWAY, xxx-xx-x... U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANT AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. RICHARD E. HAWLEY xxx-xx-x... U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD B. MYERS, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE POSITION AND GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8037:

To be deputy judge advocate general of the U.S. Air Force

COL. (B.G. SEL) ANDREW M. EGELAND, JR. xxx-xx-x... U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8351, AND 8347, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. DONALD W. SHEPPERD xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER THE PROVISIONS OF SECTION 593, 8218, 8351, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. ALAN T. REID, xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. GLEN W. VAN DYKE xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. JOHN M. WALLACE xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. TIMOTHY J. GRIFFITH xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. IRENE TROWELL-HARRIS xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILLIAM A. HENDERSON xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. KENNETH U. JORDAN xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DAVID L. LADD, xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DANIEL F. LOPEZ xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. THEODORE F. MALLORY xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RONALD E. MCGLOTHLIN xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RONALD J. RIACH xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DAVID M. RODRIGUES xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GUY S. TALLENT xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LARRY R. WARREN xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GALE O. WESTBURG xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE U.S. ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general

BRIG. GEN. FRED H. CASEY xxx-xx-x...
BRIG. GEN. MICHAEL W. DAVIDSON xxx-xx-x...
BRIG. GEN. GERALD A. MILLER xxx-xx-x...
BRIG. GEN. GARY J. WHIPPLE xxx-xx-x...

To be brigadier general

COL. ALEXANDER H. BURGIN xxx-xx-x...
COL. JOSEPH W. CAMP, JR. xxx-xx-x...
COL. DONALD M. EWING xxx-xx-x...
COL. WAYNE C. MAJORS xxx-xx-x...
COL. GARY D. MAYNARD xxx-xx-x...
COL. WALTER F. PUDLOWSKI, JR. xxx-xx-x...
COL. ALLEN J. STRAWBRIDGE, JR. xxx-xx-x...
COL. MORRIS L. PIPPIN xxx-xx-x...
COL. PHILIP H. PUSHKIN xxx-xx-x...
COL. HAROLD E. BOWMAN xxx-xx-x...
COL. THOMAS E. BUCK xxx-xx-x...
COL. BERNARD J. CAHILL xxx-xx-x...
COL. CARROLL D. CHILDERS xxx-xx-x...
COL. JOSE A. DIAZ xxx-xx-x...
COL. JOHN A. HAY xxx-xx-x...
COL. JOHN L. JONES xxx-xx-x...
COL. GARY E. LEBLANC xxx-xx-x...
COL. THOMAS L. MCCULLOUGH xxx-xx-x...
COL. ROGER E. ROWE xxx-xx-x...
COL. ERROL H. VAN EATON xxx-xx-x...
COL. EDISON O. HAYES xxx-xx-x...
COL. EUGENE L. RICHARDSON xxx-xx-x...
COL. ROBERT V. TAYLOR xxx-xx-x...
COL. ALFRED E. TOBIN xxx-xx-x...

THE FOLLOWING NAMED UNITED STATES ARMY NATIONAL GUARD OFFICER FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL IN THE RESERVE OF THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A) AND 3385:

To be brigadier general

COL. WILLIAM C. BILO, xxx-xx-x... ARMY NATIONAL GUARD

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. HORACE G. TAYLOR xxx-xx-x... U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. PAUL E. FUNK xxx-xx-x... U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM G. PAGONIS xxx-xx-x... U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

IN THE MEDICAL CORPS

To be rear admiral

REAR ADM. (LH) RICHARD IRA RIDENOUR xxx-xx-x... U.S. NAVY.
REAR ADM. (LH) FREDERIC GOODMAN SANFORD, 184–34–8720, U.S. NAVY.

FOR THE SUPPLY CORPS

To be rear admiral

REAR ADM. (LH) JOHN THOMAS KAVANAUGH xxx-xx-xx... U.S. NAVY.

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) LLOYD EDWARD ALLEN, JR. xxx-xx-xx... U.S. NAVY.
REAR ADM. (LH) DENNIS CUTLER BLAIR xxx-xx-xx... U.S. NAVY.
REAR ADM. (LH) STEVEN RUSSELL BRIGGS xxx-xx-xxxx U.S. NAVY.
REAR ADM. (LH) ARCHIE RAY CLEMINS xxx-xx-xxxx U.S. NAVY.
REAR ADM. (LH) DENNIS RONALD CONLEY xxx-xx-x... U.S. NAVY.
REAR ADM. (LH) HAROLD WEBSTER GEHMAN, JR. xxx-x... U.S. NAVY.
REAR ADM. (LH) WILLIAM JOHN HANCOCK xxx-xx-x... U.S. NAVY.
REAR ADM. (LH) GEORGE ARTHUR HUCHTING xxx-xx-xx... U.S. NAVY.
REAR ADM. (LH) DENNIS ALAN JONES xxx-xx-xxxx U.S. NAVY.
REAR ADM. (LH) MICHAEL ALLEN MCDEVITT xxx-xx-xx... U.S. NAVY.
REAR ADM. (LH) DANIEL TRANTHAM OLIVER xxx-xx-xx... U.S. NAVY.
REAR ADM. (LH) JAMES BLENN PERKINS, II xxx-xx-xxxx U.S. NAVY.
REAR ADM. (LH) DONALD LEE PILLING xxx-xx-xxxx U.S. NAVY.
REAR ADM. (LH) NORMAN WILSON RAY xxx-xx-xx... U.S. NAVY.
REAR ADM. (LH) RICHARD ANDERSON RIDDELL xxx-... U.S. NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (LH) ARTHUR CLARK xxx-xx-x... U.S. NAVY.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (LH) WILLIAM JOHN TINSTON, JR. xxx-xx-xx... U.S. NAVY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE TO VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. ROBERT J. SPANE xxx-xx-x... U.S. NAVY.

IN THE AIR FORCE

AIR FORCE NOMINATION OF CHARLES J. DUNLAP, JR., WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

AIR FORCE NOMINATIONS BEGINNING JOAN M. ABELMAN, AND ENDING GARY J. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 22, 1993.

AIR FORCE NOMINATIONS BEGINNING LINDEN C. ADAMS, AND ENDING MICHAEL A. ZROSTLIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 22, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJOR ELEANOR W. BAILEY, xxx-xx-xx... AND ENDING MAJOR NORMAN C. HENDRICKSON, xxx-xx-xx... WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 4, 1993.

IN THE ARMY

ARMY NOMINATIONS BEGINNING MARY E. ABT, AND ENDING RICHARD D. WHITTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 22, 1993.

ARMY NOMINATIONS BEGINNING RICHARD S. PARK, AND ENDING ROBERT F. TYREE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 4, 1993.

ARMY NOMINATIONS BEGINNING GEORGE L*ADAMS, AND ENDING HARRY M*YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 4, 1993.

IN THE NAVY

NAVY NOMINATIONS BEGINNING STEVEN JAMES AHLBERG, AND ENDING ROBERT MICHAEL STOLARZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 22, 1993.

NAVY NOMINATIONS BEGINNING GREGORY HUGH ADKISSON, AND ENDING DENNIS SAMUEL CURRY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 22, 1993.

NAVY NOMINATIONS BEGINNING DAVE RAY ADAMSON, AND ENDING WILLIAM JOHN ZUCHERO, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 22, 1993.

NAVY NOMINATIONS BEGINNING MICHAEL HUNTE ANDERSON, AND ENDING NICHOLAS FRANCIS ZEOLI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 22, 1993.

NAVY NOMINATIONS BEGINNING WAYNE THOMAS AABERG, AND ENDING DANIEL PAUL ZELESNIKAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 22, 1993.

NAVY NOMINATIONS BEGINNING ROBERT A. ALONSO, AND ENDING DICK DEAN TURNWALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 22, 1993.